

county of Chittenden and State of Vermont, in place of Warner B. Nichols. Incumbent's commission expired January 14, 1907.

#### VIRGINIA.

Willard B. Alfred to be postmaster at Clarksville, in the county of Mecklenburg and State of Virginia, in place of Willard B. Alfred. Incumbent's commission expires January 22, 1907.

Robert A. Anderson to be postmaster at Marion, in the county of Smyth and State of Virginia, in place of Robert A. Anderson. Incumbent's commission expires January 22, 1907.

Jacob H. Lindsey to be postmaster at Bridgewater, in the county of Rockingham and State of Virginia. Office became Presidential January 1, 1907.

#### WASHINGTON.

Ernest L. Darr to be postmaster at Sumner, in the county of Pierce and State of Washington. Office became Presidential January 1, 1907.

T. N. Henry to be postmaster at Prosser, in the county of Benton and State of Washington, in place of Nelson Rich, resigned.

#### WEST VIRGINIA.

Fannie E. Helmick to be postmaster at Thomas, in the county of Tucker and State of West Virginia, in place of Albert C. Helmick. Incumbent's commission expired December 15, 1906.

#### WISCONSIN.

Edward M. Crane to be postmaster at Oshkosh, in the county of Winnebago and State of Wisconsin, in place of Edward M. Crane. Incumbent's commission expired December 20, 1906.

Francis R. Dittmer to be postmaster at Seymour, in the county of Outagamie and State of Wisconsin, in place of Francis R. Dittmer. Incumbent's commission expires January 23, 1907.

Charles Kinnach to be postmaster at Cudahy, in the county of Milwaukee and State of Wisconsin, in place of Charles Kinnach. Incumbent's commission expires March 3, 1907.

William H. Landolt to be postmaster at Wauwatosa, in the county of Milwaukee and State of Wisconsin, in place of William H. Landolt. Incumbent's commission expires February 4, 1907.

### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 15, 1907.*

#### SECRETARY OF THE TREASURY.

George B. Cortelyou, of New York, now Postmaster-General, to be Secretary of the Treasury, to take effect March 4, 1907.

#### SECRETARY OF THE INTERIOR.

James Rudolph Garfield, of Ohio, now Commissioner of Corporations in the Department of Commerce and Labor, to be Secretary of the Interior, to take effect March 4, 1907.

#### POSTMASTER-GENERAL.

George v. L. Meyer, of Massachusetts, now ambassador extraordinary and plenipotentiary to Russia, to be Postmaster-General, to take effect March 4, 1907.

#### COMMISSIONER OF CORPORATIONS.

Herbert Knox Smith, of Connecticut, now Deputy Commissioner of Corporations, to be Commissioner of Corporations in the Department of Commerce and Labor.

#### PENSION AGENT.

John R. King, of Maryland, to be pension agent at Washington, D. C., his term having expired.

#### COLLECTOR OF CUSTOMS.

Antoine J. Murat, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida.

#### PROMOTIONS IN THE NAVY.

Lieut. Commander George W. McElroy, an additional number in grade, to be a commander in the Navy from the 7th day of January, 1906.

Frank H. Stibbens, a citizen of California, to be an assistant surgeon in the Navy from the 4th day of January, 1907.

Midshipman Roy F. Smith, United States Navy, to be an assistant civil engineer in the Navy from the 3d day of January, 1907.

Gunner Wilhelm H. F. Schluter to be a chief gunner in the Navy from the 1st day of August, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

#### MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal for the district of Colorado.

### HOUSE OF REPRESENTATIVES.

TUESDAY, January 15, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### YAKIMA RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 190.

The Clerk read as follows:

Joint resolution (H. J. Res. 190) extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen.

*Resolved, etc.* That where entries were allowed by the local land office prior to December 21, 1904, of lands purchased from persons who were bona fide settlers on March 5, 1904, such entrymen shall be entitled to the protection extended by the second proviso of section 1 of the act of December 21, 1904, if they have continued to comply in good faith with the requirements of the settlement laws.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. The bill itself contains no information of value to the Members of the House, and I suggest that the gentleman explain the provisions of the resolution.

Mr. JONES of Washington. Mr. Speaker, the situation is simply this: Under the act passed in December, 1904, opening the Yakima Indian Reservation and recognizing the claims of Indians to certain lands, there was a proviso that where on the 5th of March, 1904, settlers were occupying certain of these lands that the rights of those settlers should not be interfered with and that the moneys expended upon the reservation for irrigation purposes should be considered as full compensation for those lands—in other words, they extinguished the Indian title. But before the notice of the Land Office withdrawing these lands from settlement had reached the local office three or four settlers who resided on the land on the 5th of March, 1904, and protected by the act, relinquished that land and sold their rights to other persons, who in good faith went on the land and had their cases accepted by the local land office. This act simply extends to those individuals the same rights as were given to the others. It affects only three or four individuals. The bill has the unanimous recommendation of the Committee on Public Lands and of the Secretary of the Interior. It is simply to protect these three or four settlers who acted in perfect good faith.

The SPEAKER. Is there objection?

Mr. MANN. I should like to ask the gentleman a question. Were those people upon these lands there in the first instance rightfully?

Mr. JONES of Washington. They were.

Mr. MANN. How did they happen to be on lands belonging to the Indians?

Mr. JONES of Washington. There was much dispute between the Indians and the Government as to the right to those lands. As a matter of fact, the Government did not recognize the claims of the Indians, and held it out to the public as subject to entry ever since the reservation was established.

The SPEAKER. The Chair hears no objection.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### BRIDGE ACROSS CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 23718) to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana.

*Be it enacted, etc.* That the Chicago, Lake Shore and South Bend Railway Company, a corporation organized under the laws of the State of Indiana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge, and approaches thereto, across the Calumet River in the southeast quarter of section 34, township 37 north, range 9 west, in Lake County, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Is this a unanimous report, Mr. Speaker, from the committee?

Mr. CRUMPACKER. Yes; this bill is in the regular form, and unanimously reported from the Committee on Interstate and Foreign Commerce.

Mr. WILLIAMS. And is in the form required by law?

Mr. CRUMPACKER. It is in the form required by law.

Mr. WILLIAMS. Complying with the provisions required?

Mr. CRUMPACKER. It is in the usual stereotype form.

Mr. WILLIAMS. Then, I have no objection.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 21574. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate:

S. 6833. An act granting an increase of pension to Bettie May Vose;

S. 5041. An act granting an increase of pension to George A. Tucker;

S. 4908. An act granting an increase of pension to William H. Kimball; and

S. 822. An act granting a pension to Michael V. Hennessy.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 976. An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico—to the Committee on Pensions.

#### TEMPORARY LEAVES OF ABSENCE FOR HOMESTEAD SETTLERS.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 81, which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution [S. R. 81] authorizing temporary leaves of absence for homestead settlers.

*Resolved, etc.,* That homestead settlers upon the public domain, in those sections where climatic conditions and other causes of an unusual nature exist resulting in personal hardship, are hereby granted a leave of absence from their land for a period of three months from the date of the approval of this resolution. All homesteaders seriously affected by such conditions or causes shall make application, supported by affidavit, setting forth the facts justifying the leave of absence applied for to the register and receiver of the land office of the district in which their land is situated, and settlers granted such leave shall forfeit no rights by reason of the absence allowed hereunder: *Provided,* That the period of such actual absence shall not be deducted from the full time of residence required by law.

The amendments recommended by the committee were read, as follows:

Strike out the lines 4 and 5 and insert in lieu thereof "North Dakota, South Dakota, Wyoming, Minnesota, and Montana."

Strike out all after the word "resolution," in line 8, down to the word "Provided," in line 14.

Strike out the word "such," in line 14; and insert after the word "absence," in line 15, the words "under this resolution."

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, will the gentleman explain to the House the necessity for this legislation?

Mr. GRONNA. Mr. Speaker, we are experiencing an unusually severe winter in North Dakota. We have on an average 4 feet of snow on the level. This snow has drifted so that on nearly all the branch lines of our railroads the service has been practically suspended. Many of the new settlers who are living in the western part of the State are without fuel, and some of them without provisions, and this resolution simply gives them the privilege of moving from their lands, if they so desire, for a term of three months. The people living in the eastern part of our State will not take advantage of this law because they have good houses, but the relief under this resolution will be given to the new settlers, who are living in poor houses, shanties, you might say.

Mr. WILLIAMS. This is an inculcation of the lesson that people ought to live in warmer climates, is it not? It would be better for themselves and everybody else.

Mr. GRONNA. That is perhaps a matter of opinion, depend-

ing on the latitude in which a person happens to be born. [Laughter.]

Mr. WILLIAMS. I have no objection.

Mr. STERLING. Mr. Speaker, why not amend the resolution so that it would apply to those persons who have entered land there and whose time expires for moving onto the land during the winter. They can not get any fuel either. If they do not move onto the land within six months, then their entry expires. Why would it not be well to amend the resolution so as to apply to those people, as well as to the people who are now on the land?

Mr. REEDER. This would cover them.

Mr. GRONNA. I think the gentleman misunderstands the resolution. It will cover the cases of the people he speaks of.

Mr. STERLING. Does it apply to any particular part of those States?

Mr. GRONNA. No; it simply grants all a leave of absence outright for three months.

Mr. STERLING. The reason I ask is this: A number of people from my county have entered land in Butte County, S. Dak. They must be there in February, and what I wish to know is whether this extends their right to go there?

Mr. GRONNA. Yes; it does.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The amendments recommended by the committee were agreed to.

The joint resolution as amended was ordered to be read a third time, and was accordingly read the third time, and passed.

#### MERCHANT MARINE AND FISHERIES.

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the Committee on the Merchant Marine and Fisheries may have authority to sit during the sessions of the House.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Committee on the Merchant Marine and Fisheries may have authority to sit during the sessions of the House. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects.

#### DESERT-LAND ENTRIES.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21567) extending the time for making final proof in desert-land entries.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That the time for making final proof and payment for all lands located under the desert-land laws of the United States in township 13 south, ranges 12 and 13 east; sections 6, 7, 17, 18, 19, 20, 29, 30, 31, of township 13 south, range 14 east; township 14 south, ranges 12 and 13 east; township 15 south, range 12 east; sections 5, 6, and 7, township 15 south, range 13 east; township 16 south, range 12 east; township 17 south, ranges 12 and 13 east; sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, and 21 of township 17 south, range 14 east, San Bernardino base and meridian, in the county of San Diego, Cal., proof and payment of which has not been made, be, and the same is hereby, extended for the period of two years from the time proof and payment would become due under existing law.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. WILLIAMS. Mr. Speaker, I think this is rather important legislation, especially in view of the fact that the President has virtually recommended the repeal of these desert-land laws, and I shall, for the present at any rate, object.

Mr. SMITH of California. I wish you would allow me to make an explanation, reserving your right to object.

Mr. WILLIAMS. I understand it is a bill to extend the time for perfecting title under these desert-land laws. I think the laws ought to be repealed.

Mr. SMITH of California. But you probably would not undertake to destroy rights that have been acquired by these people while the law is in existence.

Mr. WILLIAMS. I would not, but I would not extend that right. I would not enlarge it.

Mr. SMITH of California. I think you would if you would listen to my explanation.

Mr. WILLIAMS. Certainly.

Mr. SMITH of California. This land is under a system of irrigation, the water being derived from the Colorado River, about which the President's message spoke. The head of the canal irrigating this land has been washed out. Under the law settlers of desert lands must make final proof within four years from entry. These people settled there about four years ago. Their time for final proof will expire this spring. It will be impossible for them to restore the canal system by that time.



The law requires that when they make final proof they must show that the land is actually under irrigation.

Mr. MANN. It is under water now.

Mr. SMITH of California. Not at all; this is land that is above the lake and which is affected only by the destruction of their canal. Unless we extend the time and preserve their rights, they are going to default in final proof through no fault of theirs, but through an extraordinary act of natural forces.

Mr. MANN. Is not this the case: That these people are now asking the Government of the United States to rebuild a large portion of the work there for the purpose of permitting them to irrigate their land; and if the Government does expend this money rebuilding these works, why should we then present them with the land?

Mr. SMITH of California. That would lead to a discussion of the President's message. My present impression is that the people of that valley are not at all interested in the enactment of the legislation proposed by the President.

Mr. MANN. If it should be determined by Congress to expend there from one million to forty million dollars on this place, there might be some equity in not presenting the land to them. If it should be determined by Congress not to expend the money, it is time to give these people relief afterwards.

Mr. SMITH of California. I only desire to have this question settled that these people may be relieved of the anxiety under which they now exist. The Government under this proposition will not reconstruct the head of this canal; that would be left to the settlers. This is only a question of giving them the time which they will actually require to reestablish by their own efforts and expenditures the head of that canal system.

Mr. MANN. The gentleman refers to the "head of the canal system." I am not familiar with it, but it all comes from the canal leading from the Colorado River?

Mr. SMITH of California. It is a branch of that canal, and when the Government work as proposed by the President is completed, if it should be, it would still be necessary for these people, by their own efforts and their own expense, to reestablish this distributing canal and lead the water to their lands.

Mr. MANN. They would receive the benefit of the money expended by the Government in establishing the large canal which leads from the Colorado River without expense to themselves.

Mr. SMITH of California. In common with others, I hope the gentleman from Illinois will not get off with the idea that the people of this valley are asking for the legislation proposed by the President.

Mr. MANN. I can not understand who is asking for it if the people of the valley are not asking for it. If the people of the valley there do not want it I do not know who does.

Mr. SMITH of California. I am as ignorant on that point as the gentleman is.

Mr. MANN. I hope the gentleman will wait, then, until we can find out.

Mr. SMITH of California. I was as much surprised at the arrival of the President's message as the gentleman from Illinois.

Mr. MANN. I do not see how the gentleman could be surprised. It has been announced in the newspapers frequently during the whole month and ever since this session of Congress commenced that the President was intending to do this identical thing.

Mr. SMITH of California. There have been various statements about that, but of course I am not the guide and director of the President. The relief sought in this bill is recommended by the Interior Department and has the unanimous recommendation of the Committee on Public Lands. As an act of justice to these people who have inchoate rights in the land, who are likely to lose through no fault of theirs, if we do not extend this time, I think this measure ought to pass.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. SMITH of California. Certainly.

Mr. GAINES of Tennessee. Mr. Speaker, this is the unanimous report from the Committee on Public Lands, of which I am a member. The matter came up and the gentleman from California [Mr. SMITH] stated about this, in substance, that he wished to extend the privilege, as you may call it—not so much a right as a privilege—to perfect their rights to these lands which they have been prevented from doing by a flood of some kind, for which they were not at all responsible.

By reason of that visitation of God, you might say, they were not able to make out their land rights; hence I voted to extend the time of these people to make out their rights which they would have done but for this flood. Now, those are the merits of the case, as I understand it, and that is the reason why I voted to report the bill, and the bill was agreed to in committee.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a question. Would the passage of this bill make a precedent that would in any way commit the United States Government to this scheme of remedying the destruction that has been caused out there by a private corporation?

Mr. SMITH of California. Absolutely not.

Mr. WILLIAMS. Then, Mr. Speaker, in view of the information conveyed to me by the gentleman from Tennessee [Mr. GAINES], that this is a unanimous report of the committee after having gone into the matter carefully, I shall not now object. I do think, however, that the legislation is somewhat incautious.

Mr. MANN. Mr. Speaker, for the present I shall object.

The SPEAKER. The gentleman from Illinois objects.

#### FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortification appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortification appropriation bill, with Mr. MANN in the chair.

Mr. SMITH of Iowa. Mr. Chairman, I desire to state before the debate is resumed that, in my judgment, the time allowed for general debate will not all be consumed, so that the members of the committee may know that the reading under the five-minute rule will probably start before the expiration of the time fixed.

The CHAIRMAN. The Chair will state for the benefit of the committee that the gentleman from Iowa [Mr. SMITH] has remaining to his credit forty-nine minutes and the gentleman from New York [Mr. FITZGERALD] one hour and eleven minutes.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Iowa for information about when he will commence under the five-minute rule? I desire to ask some questions for information when we get to that.

Mr. SMITH of Iowa. I am not able to give a definite answer to that question, because certain gentlemen are to speak and I do not know how long they will consume. There are two hours left, and I do not think the time will be consumed.

Mr. CLARK of Missouri. How long does the gentleman expect the bill to run under the five-minute rule—just a mere guess?

Mr. SMITH of Iowa. I have no idea. We hope to finish it to-day.

Mr. FITZGERALD. It is very short.

Mr. SMITH of Iowa. Mr. Chairman, I yield such portion of my remaining time as he may desire to the gentleman from Illinois [Mr. GRAFF].

Mr. HEPBURN. Mr. Chairman, I hope the gentleman will reserve five minutes for me, if he can.

Mr. SMITH of Iowa. I will say to the gentleman from Iowa that through the courtesy of the gentleman from New York [Mr. FITZGERALD] I have been assured that we may have such time as we may desire on this side to debate the bill. The gentleman from Illinois [Mr. GRAFF] is a member of the committee, and I do not want to limit him as to his time, but I am quite sure that time will be provided for the gentleman from Iowa [Mr. HEPBURN] without doubt.

Mr. GRAFF. Mr. Chairman, I listened yesterday to a patriotic speech, filled with proper pride of the power and prestige of the Republic, and very properly indulged in by a gallant soldier, as was my colleague upon this committee, the gentleman from Ohio [Mr. KEIFER]. I think it is quite natural that a man who gave so much of the best part of his life to a soldier's career during that great civil war should naturally be enthusiastic and perhaps a little restive about speedy fortification of our country; but I believe that patriotism can be shown elsewhere than on the field of battle and that the best way in which patriotic qualities can be shown by a Member of Congress is by an economic and wise expenditure of the people's money. This committee can well afford to defend very confidently the course which it has pursued with regard to its appropriations for the coast defenses of the United States. The plan for our coast defense has been one of slow development, commencing away back in 1883 with the passage of an act creating the "Gun Foundry Board," which made a report in 1884, and which resulted in the act of March 3, 1885, creating the so-called "Endicott Board," whose plan, as reported by it January 23, 1886, has been the general basis for all of the subsequent appropriations that have been made by Congress for that purpose. The first appropriation was made, I think, in 1888, and appropriations have been continuously made from year to year ever since, I believe, without interruption. While it is true that the Taft Board, appointed by the President of the United States,

and which made its report last year, which report was transmitted by the President of the United States in a message on March 5, 1906, stated that the report of the Endicott Board and its findings were still valuable in the main as to their general recommendations, yet as to the construction of the emplacements and the batteries and the guns it would have been practically valueless if the country had proceeded without any variation in adopting those plans and carrying out those works and building them during the past twenty years, on account of the tremendous changes made in ordnance and fortifications since that time.

At the time of the report of the Endicott Board there was no such thing known as a "disappearing gun." Expensive turrets were made. At that time there was practically unknown any such thing as a long range gun. Smoothbore guns were then used. Rifle guns have been subsequently introduced. And if the Committee on Appropriations, through its subcommittee on fortifications and coast defense, had followed the recommendations of the Signal Corps, the Ordnance Board, and the artillery of the War Department and made appropriations in accordance with their recommendations year by year for the full amount, it would have resulted in our having fortifications behind the times and utterly out of line with the possibilities of subsequent development of military science. I say that the appropriations made by the committee and afterwards ratified by the act of both Houses of Congress have the commendation of the experience of the last twenty years. Nor have we been slow. We have fully kept up with the needs of the times. We have to-day completed two-thirds of the entire plans of the Endicott Board and the Taft Board combined, which is considered to be fully adequate for the full protection of the entire coast line of the United States on the Atlantic and Pacific without the aid of the Navy, for these coast defenses are recommended with the idea that the Navy itself shall be engaged in offensive operations and that these coast defenses shall be adequate for the defense of our coasts without the cooperation of the Navy. It is now estimated that \$99,000,000, in round numbers, is sufficient to complete all of the projects recommended by the Endicott Board in a modern method in accordance with the recommendations of the best military scientific thought on the subject. Now, then, when the Endicott Board made their recommendations smokeless powder was not in existence. Strange as it may seem, that board did not include in their estimate the cost of ammunition or of reserve ammunition or the cost of sites or the maintenance and construction of barracks for the Coast Artillery, and of this \$99,000,000 estimate, which is now considered sufficient to carry out the recommendations of the old Endicott Board, the cost of ammunition and the cost of these other articles, which were not included by the Endicott Board, are not included in the estimate of the \$99,000,000.

When the Taft Board reported last year they recommended the abandonment of some four or five different points which had been included in the Endicott plan, which would make a deduction of something like \$2,600,000 from the estimate, but they added some six places which were not included in the Endicott plans, which would add some \$22,000,000 to the \$99,000,000 to enable us to carry out all the plans recommended by the Endicott Board and the Taft Board combined. Of the \$99,000,000 total necessary to carry out fully the plans of the Endicott Board, we have already appropriated some \$64,000,000, showing a two-thirds completion, as I stated, for continental United States. The estimates of the head of the Coast Artillery is that when the plans of the Taft Board are completed and our fortifications in the United States are finished it will make necessary a Coast Artillery of 47,000 men. At present we have in continental United States a Coast Artillery of 10,000 men, 4,000 short of authorization on account of its being impossible—

Mr. HULL. Fourteen thousand authorized and 3,000 short; there are 11,000 in now.

Mr. GRAFF. Three thousand two hundred short, I will state, is the testimony exactly, making 11,000 men whom we actually have. This is due to the small inducement at the pay given offered to young men to enlist in these prosperous times.

Mr. HULL. That is about right.

Mr. GRAFF. Therefore we have not now near enough men to properly man the guns which are already in place and ready for operations, and that makes it necessary for us at present to have care takers for the guns at various points on the different coasts of the United States. That is not suggested as an argument why we should not go on toward the completion of this entire scheme, but it does furnish some reason why we should not at least move any faster than other committees of Congress show a willingness to provide the supply of men to adequately operate these fortifications which we are now building. I think I may say safely that there was something said either in the hearings

this year or last year to the effect that the fortifications as they now stand without any further work upon them are without comparison in any other country on the globe, so that the talk about the flag being in danger or continental United States having any particular cause to fear by reason of our coast defenses does not seem to have any great foundation; but I think that it is a part of the business of the Committee on Appropriations, in making appropriations for fortifications, as everything else, to consider its fair proportion of the total expenditures of the Government which ought to be devoted to that particular purpose, and I think that when this Congress adjourns and has finished its work it will never be charged that we have not devoted an adequate amount of the people's money toward the preparation for war and defense in war.

Mr. GRAHAM. Will the gentleman permit me to ask him a question?

Mr. GRAFF. Yes.

Mr. GRAHAM. Does this bill provide for the increase of men necessary with which to man the fortifications?

Mr. GRAFF. That is not a part of our duty.

Mr. GRAHAM. I was afraid it was not. Under what bill will that come up?

Mr. GRAFF. That goes to the Committee on Military Affairs.

Mr. GRAHAM. I think that is a very important question and very necessary.

Mr. HULL. If the gentleman from Illinois [Mr. GRAFF] will permit me, what was the question asked by the gentleman from Pennsylvania [Mr. GRAHAM]?

Mr. GRAHAM. The procuring of men with which to man the guns in these fortifications.

Mr. HULL. If the gentleman will yield just a minute, I will say that the Committee on Military Affairs has practically completed a bill increasing the artillery some 5,000 men only, but making the increase in pay of certain officers and noncommissioned officers and electricians that they will enlist up to that point now authorized by law.

Mr. GRAHAM. I am glad to know it. I think it very necessary.

Mr. GRAFF. This bill appropriates in all \$5,411,883, which is in excess of the appropriation made last year for the same purpose in the sum of \$357,890. And if the general average of the appropriation bill is made, of all of them which have been made since 1888, it will be found that this is an average amount and not below the average. In other words, we are not lessening our speed for the completion of these fortifications. The per cent is 3 per cent of the total amount necessary for carrying out the scheme of the Endicott Board. Of this sum, \$3,800,000, in round numbers, is devoted to the projects in the coast defense of continental United States, and \$1,592,940, or about \$1,600,000, is devoted to our insular possessions. Now, then, the gentleman from Ohio [Mr. KEIFER], my colleague, stated that we were "cheeseparing" in our appropriations for these great purposes. While he did not devote a great deal of time in attacking the economical mood of the committee with reference to the general appropriation for fortifications, he laid particular stress upon two subjects, and one of them was our failure to appropriate some \$2,600,000 for the purpose of building an artificial island at the mouth of the Chesapeake Bay, between Fort Henry and Fort Charles. The other was his criticism for our alleged "homeopathic" appropriations for our insular possessions. There never has been any serious recommendations for a fortification at the mouth of Chesapeake Bay except within the period of a year. The reference by the Endicott Board in 1886 to the Chesapeake Bay was a matter of suggestion. It did say, by way of suggestion, that it might be well to establish floating batteries at certain points—at a point in Long Island Sound and at two or three other points—and mentions that at the mouth of Chesapeake Bay, all in a single line, and—if there is any significance in that—Chesapeake Bay being the last point mentioned.

The committee has never had an opportunity to receive any light upon this subject except that which has come to us in the last year. And there appeared before us the officers of the War Department and the Secretary of War himself, advocating the building of this island. There does not appear in the hearings any adequate foundation for the result of their estimate of \$2,600,000. It seems to me that in a scheme at one point, which alone is to cost some \$6,000,000, it is not unwise for Congress to demand a little time in order that the merits of the proposition shall be at least gravely considered, that we shall at least know two things, approximately the real cost of the project, and, secondly, the force of the demand for its necessity. It is significant that throughout Secretary Taft's testimony in favor of this island at Chesapeake Bay he puts the greatest burden of responsibility for his recommendation upon the Navy, and does not



assume himself to have technical knowledge sufficient to weigh the real merits of the proposition. In addition to that, he does make it clear that that island is not needed there for the proper protection of the cities within Chesapeake Bay and on the rivers which are tributary thereto. On the contrary, he states that these cities are already amply protected, and that there is no danger of any fleet entering Chesapeake Bay at the present time and successfully attacking any of the cities which surround the borders of the bay or on the rivers which run into the bay. And he himself says that the reason why, and the only reason why, the naval officers desire to have this island built there is because they fear that a hostile fleet would find in Chesapeake Bay a place in which to operate as a base of its operations.

It seems to me, therefore, that the committee were wise at least in postponing action upon this comparatively new proposition of large dimensions until we can get further details both in regard to its naval necessity and in regard to its probable cost.

The next proposition upon which the gentleman from Ohio [Mr. KEIFER] takes issue with the committee is the amount of our appropriations for our insular possessions. We have been a great deal more liberal and we have been a great deal more rapid in our appropriations for our insular possessions than we have for continental United States.

The total recommendation of the Taft Board for all our insular possessions, including fortifications at San Juan, Porto Rico, Guantanamo, Hawaiian Islands, Guam, and the Philippine Islands, is \$22,716,360. Of that amount we have appropriated thus far, including last year, \$3,202,920. If the amount of the appropriations recommended in this bill is accepted by this House and the Senate, and signed by the President, we shall have a total appropriation for the Philippine possessions of \$4,795,860, or over 20 per cent of the total amount recommended by the Taft Board for the entire insular possessions.

But I apprehend that the interest of the House is chiefly in the fortifications of the Hawaiian Islands and in the Philippine Islands. These are the two points to which the gentleman from Ohio [Mr. KEIFER] chiefly gave his attention in his speech. Now, then, the total appropriation as recommended by the Taft Board for their entire scheme for the fortification of the Hawaiian and Philippine islands, is \$11,671,262. And therefore we recommend at this time 14 per cent of the total amount necessary for the Hawaiian and Philippine islands. We recommend this year, for instance, in one item, \$600,000 for seacoast batteries in the Hawaiian and Philippine islands.

Mr. STERLING. Will the gentleman yield to a question?

Mr. GRAFF. Certainly.

Mr. STERLING. Do I understand that the Department asked for this appropriation of \$14,000,000 at this time?

Mr. GRAFF. Oh, no.

Mr. HULL. That is the total.

Mr. GRAFF. I was only speaking of the total amount necessary to complete the plans, which is \$11,000,000.

Mr. STERLING. And this is the amount to be used for this year?

Mr. GRAFF. This year we appropriate the amount to be used this year.

I have here an estimate for 1908 for which we are now appropriating. The estimates for this year, sent in by the War Department, are \$5,074,500. We recommend \$1,592,940 for insular possessions.

There is another thing to which I might advert, and that is that, experience has shown us in the hearings that large available balances, and not always allotted, have been disclosed in almost every item where there are recommendations; showing that of the appropriations which are actually made—less, of course, always than are recommended—the War Department hardly keeps up in its work with the actual amount that is appropriated. That seems to me a very significant fact.

Now, then, with reference to the actual experience of the House. There are those in this House who do not believe in fortifications for the Philippines. There are those in this House who, like my friend from Ohio [Mr. KEIFER], believe in carrying out at once and as rapidly as recommended by the Department full appropriations for the Philippines. Last year we had an item in our appropriation bill exactly the same as we have to-day—\$600,000 for coast defense in the Hawaiian and Philippine Islands, worded exactly as it was worded then. A very sharp conflict took place in this House, and a considerable difference of opinion was manifested even on this side of this Chamber as to the wisdom of fortifications, especially at Subig Bay. It finally passed the House and went to another body, and there it was reduced to \$260,000; and that sum was appropriated to the Hawaiian Islands alone. The Philippines were left out in the other body. At all events, it was reduced

to \$260,000. There is some conflict as to whether the Philippines went out in the legislation or not; but, at all events, it was allotted to the Hawaiian Islands, and that was the result of the effort and initiative started by this appropriation committee to get through the selfsame appropriation which is made at this time.

Mr. HILL of Connecticut. Has that been expended?

Mr. GRAFF. That has not yet been expended. I am glad the gentleman asked me that question. It must not be forgotten that while Army and Navy officers are entitled to the greatest respect for their judgment upon all technical questions pertaining to their profession, yet when it comes down to the question of general business judgment it perhaps would be just as well to leave the decision of those questions where the Constitution placed it—upon the House of Representatives.

Now, then, in regard to the fortification of the Philippine Islands. My distinguished friend from Ohio [Mr. KEIFER] spoke with pride of the fact that we now vied with England in having the sun never set upon our domain. I take just as much pride in that fact as he does; but I take more pride in the hope and belief that our beneficent influence will stretch beyond our territory. [Applause.] But let us see; some fear that we may be attacked in war by possibly Japan, and that the forces of that country will at once wrest the Philippine Islands from us. The Philippine group consists of thousands of islands, and many of them of considerable size. The island of Luzon, I believe, is somewhat longer than Cuba; at least 500 or 600 miles long. It is not even proposed that there shall be complete fortifications and defense of the single island of Luzon, but plans only are made for Subig Bay and the protection of the city of Manila by defending the harbor of Manila, principally by placing fortifications upon the island of Corregidor. Now, does anyone believe that the defense of the city of Manila is going to furnish us with an adequate protection against the invasion of the Philippine group? It takes three days for Japan to reach the Philippine group with her soldiers and land them, as I am informed, chiefly with lighters, being able to land on almost any coast; while it takes twenty-five days for us to reach the Philippine Islands with our soldiers from the California coast. Does anyone suppose for a minute that we can expect to rely principally upon fortifications in the Philippine Islands for the defense of that territory? Ah, no. We can not rest upon that sort of a defense.

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

Mr. GRAFF. Yes.

Mr. GROSVENOR. Suppose it became necessary to transport 5,000 soldiers from any part of the United States in time of war to the Philippine Islands, what would you carry them on?

Mr. GRAFF. I would carry them on Government transports.

Mr. GROSVENOR. How many Government transports have we?

Mr. GRAFF. I could not say. I know we have some.

Mr. GROSVENOR. Is it a fact that when we undertook to send 2,500 troops down to Cuba we had to employ foreign ships to carry them?

Mr. GRAFF. That does not exactly come within the scope of my argument. We are not always discussing the merchant marine.

Mr. GROSVENOR. Inasmuch as the gentleman was talking about the defense of the Philippine Islands, it occurred to me that we might take into consideration the fact that in time of war with any great European power that would command neutrality we would have to go afoot in order to get there. [Laughter.]

Mr. GRAFF. I believe in a naval base in the Philippine Islands, but I believe that the great source of our protection in the Philippine Islands will be the knowledge of any nation which attacks us of the ultimate consequences to that nation after it takes possession. Does anyone think for a minute that Japan would suppose that because the Philippine Islands are adjacent and even unfortified that she might safely enter upon that group of islands and take possession of them without taking into calculation the war strength of the great Republic and the ultimate consequences that would be visited upon her? Why, certainly not. We want a naval base either at Subic Bay or at Cavite. I am willing to leave that to the technical information of those who have charge of that and are skilled in that profession, and I believe that in making an appropriation of \$1,000,000 in advance of the decision of the question of the location of that naval base we are making an ample appropriation at this time. It is the largest sum which has ever been recommended by any committee for the defense of insular possessions, notwithstanding we have been making appropriations for our insular pos-

sessions since 1905. The largest appropriation next to this one was passed in 1905, which was for the sum of \$1,318,920. The War Department have already commenced the work of constructing the emplacements on Corregidor Island and at Subic Bay, and we have proceeded as fast as good judgment would dictate. We must all remember that these appropriations are peculiar in the fact that they remain available in the Treasury, no matter how long they continue unexpended, and the War Department understand this, and in the commendable enthusiasm for pushing energetically these schemes which have been outlined there is no doubt that they want to pile up as much of a surplus as possible, and if Congress should see fit to segregate sufficient money to complete these schemes, no matter if it took a decade to carry out the construction, the War Department would consider it a good thing, because it is not the duty of that Department to give concern to the question of national economics.

We must remember that as we appropriate more liberally than wisdom teaches, we thereby lessen the opportunity for devoting public money to other needed and commendable purposes. So we have been moved by caution and, I trust, by patriotism, and our hearings have been extended. The officers have been summoned before our committee, and for the total amount appropriated we have gone very fully in detail as to the work and the manner of performing it, the need of its immediate construction, the immediate necessity for the money. These things have all been inquired into, as they always are.

I have no fear but that we will complete the fortifications in continental United States away ahead of any probable war, and if within a few months we should be threatened, the world would find the United States the best fortified country on the globe. [Applause.]

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. TOWNSEND having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On January 14, 1907:

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River in the State of Alabama.

#### FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. SMITH of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes.

Mr. SMITH of Iowa. I yield one minute to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I simply desire to have read in my time the paper which I send to the Clerk's desk.

The Clerk read as follows:

Memorial unanimously adopted at large mass meeting of citizens in Cooper Union, New York City, January 3, 1907.

To the Senate and House of Representatives in Congress assembled:

Your memorialists respectfully represent that:

This mass meeting of citizens convened at Cooper Union, New York City, January 3, 1907, in the annual celebration of the emancipation proclamation, believes with the author of that proclamation that mastership and servitude should be supplanted by true manhood, regardless of race or color.

We therefore call upon Congress and upon all Americans to accord to the colored people of this country not only the rights, but the respect due to worthy American citizens to the end that United States soldiers shall neither be insulted nor discriminated against because of their color, and that, because of color, the right to vote shall not in practice be anywhere denied.

We appeal to the American people for justice and fair play and for protection from the ignorant and malicious writers and speakers who stimulate race hatred or seek to force the colored people into a peasantry of disfranchised servitors.

We further respectfully memorialize the Congress to cause an impartial tribunal to hear and determine the assertions in the President's message, based upon ex parte proceedings, made against soldiers of the Twenty-fifth Infantry, who thereupon have been subjected to a life-long penalty.

And your memorialists will ever pray.

Attested by the officers of the meeting.

Rev. CHARLES S. MORRIS,  
Chairman.  
H. G. MILLER, Secretary.

Mr. BENNET's time expired during the reading of the paper, and, by unanimous consent, he was given leave to have the balance printed in the RECORD.

Mr. FITZGERALD. Mr. Chairman, I now yield fifteen minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, on yesterday a subject was touched upon that I think is of very great impor-

tance. It was alluded to by the distinguished gentleman from Iowa [Mr. HEPBURN] in a colloquial debate between the gentleman from Iowa and his colleague [Mr. SMITH]. Later I made some inquiries of the gentleman from New York [Mr. FITZGERALD] on the same subject; that is, the subject of the powder monopoly and the patents that have been issued, and the good policy or impolicy of permitting officers of the Army or Navy to procure patents, etc., to make Army supplies when the discovery is made while acting for and by order of the Government.

The gentleman from Iowa [Mr. HEPBURN], in his usual trenchant way, used this language—it will be found on page 1108 of the RECORD:

Mr. HEPBURN. Then I would ask the gentleman if it is in the contemplation of the Department to establish a factory for smokeless powder?

Right there I will state that the smokeless-powder process was patented by an officer of the Navy, Professor Monroe, while in his line of duty, and for that reason he turned the patent over to the Government of the United States. Now, it seems that some powder monopoly has got hold of that patent and that monopoly is defying the Government of the United States and putting up the price of powder, and we are trying to extricate the Government by making appropriations to build a smokeless-powder factory. I shall refer to that a moment later. The gentleman from Iowa [Mr. HEPBURN] goes on to say:

And in that connection I want to call the gentleman's attention to a document that was probably laid upon his desk—it was upon mine—treating of the subject of smokeless powder, and of the extravagant expenditures that the Government have been compelled to make because of certain combinations of the manufacturers of smokeless powder. In that document it was stated that the Government had sent two of its officers to one of the arsenals, or to some Government work, for the purpose of studying the manufacture of smokeless powder.

Now, here is an important statement:

That they, in the time that belonged to the Government, with the means that the Government furnished, with the aid of other employees of the Government, with its machinery and its material for experiment, discovered certain methods for the manufacture of smokeless powder; that they afterwards secured patents for their discoveries, discoveries made by them while in the employ of the Government, mind you, aided by Government facilities; that they sold these patents to certain people now engaged in the manufacture of smokeless powder, who have entered into this combination and are compelling the Government, through the use of these patents, to pay something more than a hundred per cent above what is stated in this paper to be a fair compensation. I should like to ask the gentleman if the committee have considered that subject, if they have formed opinions with regard to the validity of those patents, and the right of anybody to exclude the Government from the use of its discoveries, made through its agencies; and if these men, now engaged in this combination, are thus using these patents that I should think might, in morals at least, be said to belong to the Government of the United States?

Mr. Chairman, that is a very clear statement of the subject, and a subject that, I regret, has not been more thoroughly discussed by Members. It is a matter that came to the attention of the Government of the United States in 1898, and was discussed by the gentleman from Iowa [Mr. HEPBURN], the gentleman from Missouri [Mr. CLARK], and myself, as the RECORD of April 30, 1898, shows. Now the question comes up—and I allude to the fact that Attorney-General Cushing years ago passed upon it—has the Government of the United States, or rather should the Government of the United States educate a young man in the Army or in the Navy to be a soldier or a sailor, and should that young man take the Government's time while he is in the employment of the Government, take the money of the Government, take the machinery of the Government, take everything that the Government can give him, and after discovering a military device, patent it and put it in his own pocket or go outside and sell it to a private concern? Should he go and sell it to a foreign government? Later on that same patent, as suggested by the gentleman from Iowa, of smokeless powder has come back into the hands of a powder monopoly that threatens the powder business of the country as well as the revenues of the Treasury. That question, Mr. Chairman, was passed upon, as I say, a number of years ago by Attorney-General Cushing, and he said that the patent belongs to the Government of the United States in the case I have stated.

Now, I find that the Senate Report No. 1453, pages 49-50, Fifty-fourth Congress, which I have before me, says: "Charles E. Munroe, chemist, torpedo station, smokeless powder, applications 426445 and 426446."

Professor Munroe secured a patent, about which this report says:

Right to manufacture under these patents granted August 14, 1891.

I turn now to the speech which I delivered in 1898, where I find that I quote Secretary Herbert and also Senator PERKINS, who was a member of the Senate committee that compiled the report which I have here on this subject. Senator PERKINS, in the course of his remarks in this committee, stated as follows:

In this connection I wish to state that Professor Munroe, now connected with the chair of chemistry in Columbia College, discovered



smokeless powder when in the Naval Academy filling the chair of chemistry there, and he felt that the invention belonged to the Government, and it was placed by him at the disposal of the Government.

I find on the next page that I inserted in that speech of mine parts of this official Senate report showing a number of patents have been issued to Army and Navy officers for discoveries made in the line of duty except, I believe, three.

Secretary Herbert inserted there a list of these patents in the hearings, and then said:

With the exceptions of Nos. 1, 4, and 3, all the devices were designed by officers in the line of duty and, beyond the mere expense of taking out patents, do not cost the Government anything.

Smokeless powder, says Senator PERKINS, was discovered by Professor Munroe when working in the line of his duty.

Mr. Chairman, I intended yesterday to simply drop into the RECORD the syllabus of two cases that I now invite to the attention of the committee. One is the Solomon case—*Solomon v. United States*, 137 United States, page 342—and the other is *Gill v. United States*, reported in 160 United States, page 435. The Supreme Court in discussing this question in the *Gill* case says:

There is no doubt whatever of the proposition laid down in *Solomon's* case that the mere fact that a person is in the employ of the Government does not preclude him from making improvements in the machines with which he is connected and obtaining patents therefor as his individual property, and that in such case the Government would have no more right to seize upon and appropriate such property than any other proprietor would have. On the other hand, it is equally clear that if the patentee be employed to invent or devise such improvements his patents obtained therefor belong to his employer, since in making such improvements he is merely doing what he was hired to do. Indeed, the *Solomon's* case might have been decided wholly upon that ground, irrespective of the question of estoppel, since the finding was that Clark had been assigned the duty of devising a stamp, and it was understood by everybody that the scheme would proceed upon the assumption that the best stamp which he could devise would be adopted and made a part of the revised scheme. In these consultations it was understood that he was acting in his official capacity as Chief of the Bureau of Engraving and Printing, but it was not understood or intimated that the stamp he was to devise would be patented or become his personal property. In fact, he was employed and paid to do the very thing which he did, viz., to devise an improved stamp; and, having been employed for that purpose, the fruits of his inventive skill belonged as much to his employer as would the fruits of his mechanical skill. So, if the inventions of a patentee be made in the course of his employment, and he knowingly assents to the use of such inventions by his employer, he can not claim compensation therefor, especially if his experiments have been conducted or his machines have been made at the expense of such employer.

I will now read a part of the syllabus in the *Solomon's* case:

When a person in the employ of the United States makes an invention of value and takes out letters patent for it, the Government, if it makes use of the invention without the consent of the patentee, becomes thereby liable to pay the patentee therefor.

If a person in the employ and pay of another, or of the United States, is directed to devise or perfect an instrument or means for accomplishing a prescribed result and he obeys and succeeds and takes out letters patent for his invention or discovery, he can not, after successfully accomplishing the work for which he was employed, plead title thereto against his employer.

Mr. Chairman, let us carry those principles a little further, the general principle that I have discussed. Suppose the Government of the United States would equip a ship and place upon it our Navy officials and direct them to go out into the waters and discover a new country, as Columbus was directed to do. Would the captain of that ship take possession of that country in the name of the captain of the ship, or would the captain of the ship take possession of it in the name of the United States? In the name of the latter, of course. So, Mr. Chairman, are these men educated to do exactly what they are doing, to wit, to devote their lives to their country in the military and naval service. Suppose the teachers at West Point did not strive to give the pupils in those schools the full benefit of their knowledge and intelligence as teachers. Suppose they used, say, 75 per cent of their knowledge and ability to teach—brought only a part of their knowledge into action. Would it for a moment be contended that they were doing their full duty? Do we not employ those teachers and do we not employ the Army and Navy officers to do their full duty, and do they not agree when they enter the Army and Navy service to devote their time and attention and military skill and genius to carry on the Government of the United States from a military and naval standpoint to the fullest extent of their abilities? They do. I want to encourage inventions by Army and Navy men, but we should see to it that they do not put us in an embarrassing status at home and abroad by reason of their inventions.

Now, Mr. Chairman, it is a bad policy to let this practice go on without a statute regulating it, and Secretary Herbert recommended that a statute be enacted to do so. We see what trouble we have gotten into. Here is Professor Munroe, who has invented smokeless powder, and I do not know of any other patent on the subject. Mr. Chairman, I stop here to ask the gentleman from Iowa [Mr. SMITH] how many patents there are of smokeless powder?

Mr. SMITH of Iowa. I only personally know of two. I do not say, however, there are not others.

Mr. GAINES of Tennessee. Who are those patentees?

Mr. SMITH of Iowa. I can not now give them from memory.

Mr. GAINES of Tennessee. The gentleman had some patent papers in his hand yesterday and I thought possibly he could recollect.

Mr. SMITH of Iowa. I had two certified copies here yesterday of patents upon smokeless powder or the equivalent of it.

Mr. GAINES of Tennessee. Can the gentleman put those in the RECORD, so we can all see them?

Mr. SMITH of Iowa. I think I can.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I regret I can not go a little further in this matter. It is certainly something over which Congress should take charge. We are here giving rights or allowing practices that may sometime come back to plague us—evils, indeed, we ought to regulate.

Mr. SMITH of Iowa. Mr. Chairman, I do not see the gentleman from New York present upon the floor, but I am authorized to state that such portion of time as may be required by myself to close this general debate in addition to my time is yielded by him. I do not wish to weary the committee with any prolonged discussion of this bill, but there are a few matters that have not yet been made quite so plain, it seems to me, as they might be. I may say in response to the gentleman from Tennessee that I fully agree with him that if an officer of the Army or Navy makes a discovery in the time of the United States and by use of material of the United States, and the United States wants to use any invention the product of those efforts on his part, the United States ought to have the right to do so without the payment of any royalty whatever. I want to say further that, as I understand it, there is no claim by any human being that the United States has not the right to make smokeless powder for its own use.

Mr. GAINES of Tennessee. If the gentleman will pardon me, I understood the gentleman yesterday to say in reply to the gentleman from Iowa that the Government was given the right, and I inferred from that we had to pay for the use of the right.

Mr. SMITH of Iowa. Oh, the gentleman misunderstood me. The language of the license was in substance that the Navy Department might at its then existing powder factory or at any factories that might hereafter be established by it produce this powder without the payment of royalty. If there be any criticism upon the license at all, it is because it leaves it doubtful as to the right of the Government to produce this powder without royalty for the Army.

Mr. GAINES of Tennessee. What makes it doubtful?

Mr. SMITH of Iowa. Because the license only runs upon its face to the Navy Department to manufacture, but I am of the impression the Government might buy from the Navy Department for the War Department unlimited quantities of this powder without the payment of royalty. Now, the Government is about to determine whether it is paying excessive prices for its powder or not, and if it is, we will go ahead, as I understand it, and make our own powder, and I do not know anybody who is claiming that we have not that right.

Mr. GAINES of Tennessee. Will the gentleman tell the committee, please, whether or not the Du Pont Powder Company is using the Munroe smokeless powder patent?

Mr. SMITH of Iowa. I think it is making a powder which, perhaps, is not identical with that, but involves the use of the patent.

Mr. GAINES of Tennessee. Do not they claim to own the patent?

Mr. SMITH of Iowa. I think so; but nobody, at present at least, denies the right of the Government, so far as I am advised, to produce this powder for Government use without the payment of royalty. What may be the contention of the company, I know not, but we are going ahead in our powder factory to make the powder, and I do not think there is any contention that there is any right to claim a royalty from the Government.

Mr. SMITH of Kentucky. If the gentleman's statement be correct, and I do not doubt it is, then it is inconsequential as to any contention about royalty.

Mr. SMITH of Iowa. I think so; until at least some one claims a royalty.

Mr. SMITH of Kentucky. If the Government has the power and right, as I think it has, to make this powder these people could not get any royalty.

Mr. GAINES of Tennessee. By virtue of what right; the gentleman is a good lawyer and could tell us?

Mr. SMITH of Iowa. I claim the right by the Government to produce this powder without payment of royalty; first, upon the

grounds stated by the gentleman himself, and also upon the ground the Government is licensed to manufacture this powder without the payment of any royalty.

Mr. GAINES of Tennessee. Just a proposition of law. If the Government owns this patent, and if it does not own it it should own it, and a monopoly gets hold of it, the Government should take it away from any monopoly.

Mr. SMITH of Iowa. I do not know that there is any connection between the ownership of a license to manufacture without royalty and the ownership of a patent. They are two separate and distinct things. The gentleman contends the Government owns the patent, because the Government agents made the discovery by the use of its machinery and appliances, and I have not disputed it, but even if he was not correct in that the Government has the license to manufacture.

Mr. GAINES of Tennessee. Tell us what the Government is doing to determine whether or not it has the right to make this powder?

Mr. SMITH of Iowa. As long as nobody is claiming any royalty and we are going ahead and manufacturing the powder, why should the Government insist on having a lawsuit with somebody to see whether they are entitled to a royalty or not?

Mr. GAINES of Tennessee. The gentleman used the word "determine" just now with reference to what the Government is doing—

Mr. SMITH of Iowa. We are going to determine whether we can manufacture this powder cheaper than the Du Pont people.

Mr. GAINES of Tennessee. I think the proof is that we can, and I hope the Government will.

Mr. SMITH of Iowa. Now, Mr. Chairman, that is all I want to say about the powder question. I want now to call attention to the testimony before the committee of General Murray, the Chief of Artillery of the United States, as follows:

Mr. SMITH. Now, to man the guns proposed to be mounted by the Taft Board would take more than 50,000 men, would it not?

General MURRAY. It would take exactly 55,110 men, which includes our insular possessions and also the Isthmus of Panama.

Mr. SMITH. How many for the continental United States?

General MURRAY. In the United States, for the defenses completed and projected by the Taft Board, 47,709 men.

It would then appear that between 7,000 and 8,000 men would be required to man the proposed fortifications in the insular possessions and more than 47,000 men to man the fortifications in the United States, making an aggregate of more than 55,000 men. The whole Army of the United States now amounts to less than 60,000 men, and the annual Army bill is for about \$70,000,000. In other words, counting the pay and maintenance of the troops and the new barracks and those things that are every year appropriated for, it costs about \$1,200 for every man in the American Army. So that if we were to man the proposed Taft Board's fortifications it would cost this Government \$66,000,000 a year to so man them as to furnish a sufficient number of men, with each man serving theoretically twenty-four hours.

It is not so important what we appropriate in any given fortification bill as it is important as to what is to be the constant and yearly expense imposed upon the Government for the manning of the fortifications; and the proposed plan contemplates adding to the expense of this Government more than \$50,000,000 a year forever. It is as against the rapid growth of an institution which is expensive—not in what it costs to establish it, but in what it costs to maintain it—that I have always resisted too rapid progress in the fortifications at home and abroad. I am a hearty believer in the "big stick," but I do not believe in carrying a stick so large that we will be worn out with the mere weight of the stick and can not wield it when the hour of emergency comes. It is important that we do not squander our military resources, all of them, in time of peace, but reserve some strength for the hour of struggle.

And so your committee has tried at once to provide defenses suitable for this country and our insular possessions, but which will not impoverish the people by the cost of a great army to man them in time of profound peace. My distinguished colleague from Illinois [Mr. GRAFF] has well pointed out to the House that, owing to the exposed condition of the insular possessions, the committee has, in effect, recommended a progress in the Philippines and in Hawaii five times as rapid as the progress we have made in the defense of our own homes and our own hearthstones. And yet, notwithstanding this fact, and notwithstanding the fact that we are giving \$600,000 more for the insular possessions this year than we gave last year or year before, it is contended that we are not yet proceeding fast enough.

Mr. DAVIS of Minnesota. May I interrupt the gentleman?

Mr. SMITH of Iowa. Certainly.

Mr. DAVIS of Minnesota. Without expressing any opinion

as to the merits of what the gentleman is saying, because I am very interested in what he does say, does he not think that, owing to the exposed condition of our insular possessions, more rapid progress should be made than upon continental soil?

Mr. SMITH of Iowa. I certainly do, Mr. Chairman, and so stated in opening the debate of this bill. But how much faster?

Mr. DAVIS of Minnesota. As much in proportion as our insular possessions are exposed to a greater extent than those upon this continent.

Mr. SMITH of Iowa. I can not grant that, Mr. Chairman. I would say that in determining the relative speed at which we should fortify insular and continental United States we ought to take into consideration the greater danger to which the insular possessions are exposed, and also the fact that they are of less importance than continental United States.

Mr. DAVIS of Minnesota. I agree with the gentleman on the less importance.

Mr. SMITH of Iowa. Yes, sir.

Now, I shall say nothing further upon that subject at this time; but I do want to speak, but briefly, about the proposition to fortify the mouth of Chesapeake Bay. We are told in the hearings, and told in the report of the Taft Board, that the Endicott Board realized the importance of fortifications at the mouth of Chesapeake Bay, but condemned them as being too extravagant or too expensive to be considered at that time. I have in my hand the report of the Endicott Board, covering 400 pages. That report fails to bear out the statement made with reference to the judgment of that board. The report, on page 25, contains an estimate for floating batteries, including armament. In that estimate Chesapeake Bay is not mentioned, but on page 9 this language is used:

Besides the floating batteries hereinafter specifically recommended, the board desires to point out that while not required at present, others may be useful to guard the eastern end of Long Island Sound and the approaches by that side to New York, and the Chesapeake Bay as an outer line of defense to Baltimore, Washington, and Hampton Roads.

The Endicott Board recommended no artificial island and no fortification there, and no floating batteries. But it recommended floating batteries at the places named on page 25, and then on page 9 said it might be—it was possible—that floating batteries could be made useful at the mouth of Chesapeake Bay.

This is all there is in the Endicott Board report tending to sustain the contention that the Endicott Board believed that this artificial island ought to be constructed, and failed to recommend it because of its expense.

But suppose I should concede that the Endicott Board wanted an artificial island at the mouth of the Chesapeake Bay, and failed to report it because of its expense. The Endicott Board reported a scheme of fortifications of the coast at an expense of \$126,000,000. The Taft Board reported a scheme of fortifications of the coast at a cost of \$125,000,000, or less money. If the Endicott Board thought this island so expensive that they would not enter upon it, how comes it that the Taft Board thinks that it is cheaper?

The Endicott Board was a Congressional board. The Endicott Board had power to spend money. The Taft Board was created by Executive order, and never had a dollar at its disposal from beginning to end for the purpose of making soundings or borings of any kind. If I should concede, as claimed, that the Endicott scheme left this out because of its expense, I should say that the Taft Board, that recommended it, never made any investigation to find out how expensive it would be. Why do I say that? Because that is the testimony of Colonel Abbot, of the Engineer Corps. Colonel Abbot says \$2,600,000 was for the creation of an artificial island.

That is as accurate an estimate as can be made without boring, etc. Such preliminary estimates can not be as correct as if we had made surveys, etc. We have to make assumptions as to some things. That sum will be approximately what will be required to create an area of some 50 acres, which the artillery say will be necessary for the number of guns planned to go on that island.

But they say the Endicott Board was in favor of this scheme, but thought it too expensive.

Mr. MAYNARD. Who says it was too expensive?

Mr. SMITH of Iowa. Colonel Abbot says that the Endicott Board thought that; and the Taft Board, which did not have a dime available for borings, and has not made any at all, is in favor of the creation of this artificial island and the establishment of a fortification at the mouth of the Chesapeake Bay. Secretary Taft when before the committee declared that all the cities upon the Chesapeake Bay were impregnable fortified. This fortification is regarded as in the nature of an outer line of defense.

The Congress of the United States has had many examples of entering upon great works without accurate estimates. It may not be without interest to know that on the 22d of February,



1855, Mr. Stanton, of Kentucky, offered, while the House had under consideration the civil and diplomatic appropriation bill, an amendment "for removing the then present Dome on the central portion of the Capitol and the construction of one upon the plan designed by Mr. T. U. Walter, architect of the Capitol extension, \$100,000."

In the debate upon that bill, Mr. Stanton said it was important that the appropriation should be made at once, as he understood the change could be made before the meeting of the next Congress.

That was an assertion that this \$100,000 was to be in full for removing the old Dome and constructing the new one, because he said the change would be completed, if the money was given, before the next meeting of Congress.

When Congress next assembled the old Dome had been torn away, so that Congress could not recede, and a roof had been put over the Rotunda. Congress was informed on March 14, 1856, by the Hon. Jefferson Davis, Secretary of War, that the architect estimated it would take \$945,000 to build the new Dome.

On March 2, 1867, the last \$15,000 of \$965,000 was appropriated for the construction of the Dome.

Such has been the history of enterprises thus heedlessly entered upon by Congress. Without a boring to know what they are going to build this island on, without any knowledge whether the ground under Chesapeake Bay is such that they can there dredge the material to build the island of or must go elsewhere for it, without a survey, without an estimate, they come to Congress and demand \$2,600,000 upon the guess of somebody of how much it will cost to build an artificial island, when they do not know whether the foundation is rock or quicksand and do not know whether the material adjacent to it in the bay, that normally would be dredged to make the island, is rock or sand.

Mr. MAYNARD. Will the gentleman submit to a question?

Mr. SMITH of Iowa. Oh, certainly.

Mr. MAYNARD. How are you going to arrive at what would be the cost of building this island unless you make some provision in the bill for an appropriation to pay for a survey?

Mr. SMITH of Iowa. I take great pleasure in answering the gentleman. For many years the fortification bill has carried an appropriation for the reclamation of sites, out of which surveys and estimates for such purposes have been made. I have in my hand a memorandum of an answer received by telephone this morning from the Treasury Department, stating that there is unexpended a balance in the Treasury to the credit of this fund, available for this purpose, of \$151,876. The Engineer's Department estimates that it will take \$3,000 to make these surveys, borings, and estimates. There is the sum of \$151,876 available for that purpose now unexpended in the Treasury.

Now, if the War Department deems this of paramount importance, it will certainly assign the necessary money for these surveys from this large sum at its disposal. And if the War Department does not deem it sufficiently important to make a survey before demanding that we give \$2,600,000 upon a project that may, like the Dome of the Capitol, cost ten times the amount originally estimated, I for one will not vote to give it any money at all.

Now, Mr. Chairman, I do not care to detain the Committee longer, and unless the gentleman from New York [Mr. FITZGERALD] has some time that he wishes to yield, I will call for the reading of the bill.

Mr. FITZGERALD. There is nobody on this side who desires time.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For construction of fire-control stations and accessories, including purchase of lands and rights of way, and for the purchase, installation, operation, and maintenance of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus, and materials, coast signal apparatus, and salaries of electrical experts, engineers, and other necessary employees, connected with the use of Coast Artillery; for the purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, \$700,000.

Mr. MAYNARD. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 2, in line 8, after the word "dollars," insert the following: "To make all necessary surveys, borings, and other investigations necessary for and the preparation of an accurate detailed estimate of what it would cost to construct proposed artificial island for fortifications between Capes Charles and Henry, Chesapeake Bay, and to ascertain whether the title to the site of said proposed artificial island can be obtained without expense to the United States, \$3,000."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against this amendment that this was not covered by the

Endicott scheme and not authorized by law to be executed, and therefore the proposition is not authorized by existing law.

The CHAIRMAN. Will the gentleman from Iowa inform the Chair what authority of law there was for the Endicott scheme and whether the Endicott scheme has been adopted by law?

Mr. SMITH of Iowa. I will say, Mr. Chairman, that I understand that Congress in 1885, shortly after the report of the Gun Foundry Board, passed a law creating a board to report a plan of fortifications, and that board reported in 1886. There has been no express act of Congress adopting the plans proposed by that board. They were prepared, however, by direct authority of Congress, and Congress has from time to time appropriated money for carrying out the plans of the Endicott Board. Last year the President, without any authority from the legislative branch of the Government, appointed a board to revise these plans. This project here referred to originates in the report of this executive board.

The CHAIRMAN. Will the gentleman inform the Chair whether the fortification bills in the past making new appropriations included any report of the Endicott Board?

Mr. SMITH of Iowa. I may say that they never so expressed upon their face. Reports accompanying all of the bills, as far as I now recollect, state that they are in furtherance of the execution of the plan of the Endicott Board.

The CHAIRMAN. Does the gentleman from Virginia wish to be heard now?

Mr. MAYNARD. No; I will yield now to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I understand the point of order to be that this proposed amendment offered by the distinguished gentleman from Virginia [Mr. MAYNARD] is not in line with any preexisting law, or in line with the recommendations of the Endicott Board appointed by President Cleveland by virtue of the act passed in 1883. I presume, Mr. Chairman, if that rule should be applied, that at least nine-tenths of the entire appropriations provided for in the bill would go out on a point of order. This is a general fortification bill; it is a bill that has to come from the Appropriations Committee to provide generally for fortifying our seacoast and for other like purposes. If there is anything in the bill that exactly and specifically provides for any defenses that are provided for by law, I do not now recollect it. There is not an appropriation anywhere except where they have been generally recommended by either the Endicott Board, the Taft Board, or the War Department perhaps, or officers of the War Department, and are not in accordance or in pursuance of any specific plan at particular places.

One of my criticisms upon the bill which has been emphasized to-day by the eloquent remarks of both the gentlemen from Illinois [Mr. GRAFF] and the gentleman from Iowa [Mr. SMITH] is that we do not do anything in a substantive way under our proposed appropriations. They both come here to-day, admitting what I charged, and that is that it is not proposed to make any definite, conclusive, complete appropriations for any fortifications in the United States, but the highest per cent for any of these appropriations is to be only 14 per cent of all that is asked for, and nothing in any case sufficient to complete anything. Are any of these appropriations in pursuance of existing law? It is within the jurisdiction, Mr. Chairman, of the committee and of the House to appropriate for all that Congress thinks will be needed to safeguard our seacoasts so as to provide general defenses at particular places, naval stations, and so on, in the island possessions. But the point of order is now made in order that the most important of all recommendations for defensive fortifications that have been made shall not have a dollar expended in the direction of preparing to make them—not even to make the necessary investigations at that place. The gentleman from Iowa [Mr. SMITH] has just demonstrated that as long ago as 1885 and 1886 the Endicott Board looked to the matter of the importance of appropriating money to defend the mouth of Chesapeake Bay.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman permit a question?

Mr. KEIFER. Yes.

Mr. LIVINGSTON. As the amendment is offered the latter part of it reads as follows:

And to ascertain whether the title to the site of said proposed artificial island can be obtained without expense to the United States, \$3,000.

If this amendment is adopted as it reads, will it not commit us to the whole scheme?

Mr. KEIFER. I don't care if it does.

Mr. MAYNARD. Suppose it does.

Mr. KEIFER. I want to be committed to that scheme, which

the great naval and military men of our country and the Secretary of War and the President of the United States think is of the first importance in the matter of our coast defenses. Does anybody dispute that?

Mr. LIVINGSTON. Yes.

Mr. KEIFER. Then the record must be looked into as to the report of the Taft Board and the messages from the President and the reports of the Secretary of War to confirm what I have said, and the RECORD of to-morrow's proceedings containing my speech will cite or quote from all or most of them.

Mr. Chairman, I would be somewhat satisfied with the point of order if I felt that there was any possible way by which we were to get at this most important matter. Gentlemen would indicate that they were willing to fortify the mouth of Chesapeake Bay if somebody will voluntarily, at his own expense, for that is what it means, make the necessary investigations and then perform that wonderful feat of informing the distinguished gentlemen sufficiently to convince their minds that the distinguished people who do this work in advance are right. It is said that we have a law now that authorizes the expenditure of money to make these investigations. If that is so, according to the statement of the gentleman from Iowa [Mr. SMITH], then this is in line of existing law. I do not believe this is exactly true.

Mr. TAWNEY. Is it not the law that the gentleman from Iowa [Mr. SMITH] referred to, authorizing these expenditures—the law which authorizes the expenditures to be made within the recommendations of the Endicott Board, which is the Board created by act of Congress?

Mr. KEIFER. The gentleman from Minnesota [Mr. TAWNEY], the distinguished chairman of the Committee on Appropriations, has given a complete answer to that long argument of the distinguished gentleman from Iowa [Mr. SMITH], in which he attempted to show that these people could go with the present state of the law and find out whether it was practicable or feasible to build an island in the mouth of the Chesapeake Bay. This proposition is in general line with the appropriations needed, following not alone what the Endicott Board recommended, as will be found on page 9 of that Board's report, but following the unanimous report of the Taft Board, and it asks that some steps shall be taken in the direction of finding out whether it is practicable and feasible to build an island or erect some other kind of defense in the mouth of the Chesapeake Bay. So, Mr. Chairman, I think we are in proper line with all that is to be found in the bill, in so far as this amendment is concerned, and we are in line, too, with the general purpose so clearly stated and emphasized by the gentleman from Illinois [Mr. GRAFF] this morning, just supplemented by the gentleman from Iowa [Mr. SMITH], that we are not in the work of making defenses for our country, but we are in the work of building by piecemeal patches to that work, following an unbusinesslike idea that no individual or corporation ever adopts. Think of a farmer who wanted a house to cover his family and a barn for his stock and grain who would say: "I have so much money, but I will not build a house or a barn. I will not make any completed improvements; I will freeze to death first. But I will put in the foundations for both house and barn this year, and in seven years"—following the rule of the gentleman from Iowa [Mr. SMITH]—"maybe I will have something under cover. If I live long enough, if I am not frozen to death, I will be all right in time." That is the theory upon which we are proceeding, and that is the theory of the amendment of the gentleman from Virginia [Mr. MAYNARD].

Mr. MAYNARD. Mr. Chairman, it seems to me that this amendment is in order. The Endicott Board was authorized by act of Congress, and the report of that board was submitted to Congress and adopted by Congress, and, as admitted by the gentleman from Iowa [Mr. SMITH], on page 9 of that report that board made certain recommendations and, to use the language of the distinguished gentleman from Iowa [Mr. SMITH], which I presume is the language of the report, said that it might be necessary to create defenses and fortifications at Cape Charles and at Cape Henry. The bill which is being considered by this committee is in furtherance of that report, and in offering this amendment to the bill it is carrying out the report of the Endicott Board, so that we may determine by an accurate survey what kind and how costly a class of defense is needed at the mouth of Chesapeake Bay, and I think it is entirely pertinent and in order at this time.

The CHAIRMAN. The Chair does not understand that in the act of Congress authorizing the appointment of the Endicott Board Congress by law provided that that report should be adopted or that any act of Congress has been enacted since that time specifically adopting the report of the Endicott Board. On the other hand, Congress has provided in annual appropriation

bills for the expenditure of money for fortification purposes, usually in general language making appropriations for purposes general in their nature, to be expended by the War Department. In a few cases appropriations have been made for specific purposes, but as a rule in general language.

In the opinion of the Chair, expressed with some doubt, under the practice of the House at least, the items in the appropriation bill in general language are probably in order, though the Chair does not undertake to rule upon the question at this time; but the Chair thinks that the introduction of a new item for a work not in progress is not in order, and the Chair therefore sustains the point of order.

Mr. TALBOTT. I understood from the gentleman from Iowa that \$151,000 is appropriated in this bill for surveys; that it is in the Treasury and available. Now, I suggest to the gentleman from Virginia that he offer an amendment making \$3,000 of that specially available for this survey.

Mr. MAYNARD. Mr. Chairman, I desire to write an amendment to offer. I want to give notice that I desire to offer the amendment at this point and I shall ask later that we return to this item that I may offer that amendment.

Mr. LITTAUER. I can not understand the gentleman's motion.

Mr. MAYNARD. My request was that I desire to offer another amendment at this point, and I desire to prepare the amendment and shall ask to return to this item later in order that I may offer the amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent—

Mr. LITTAUER. Mr. Chairman, I must object.

The CHAIRMAN. The gentleman from New York objects.

Mr. MAYNARD. Mr. Chairman, I desire to offer the following amendment:

On page 2, in line 8, after the word "dollars," insert the following: "to make all necessary surveys, borings, and other investigations necessary for and the preparation of an accurate detailed estimate of what it would cost to construct proposed artificial island for fortifications between Capes Charles and Henry, Chesapeake Bay, and to ascertain whether the title of the site of said proposed artificial island can be obtained without expense to the United States, \$3,000, out of any money in the Treasury which may now be available for this purpose."

Mr. SMITH of Iowa. Mr. Chairman, I desire to make the point of order against this proposed amendment, and I think I can make it so plain that the gentleman from Virginia will not claim his amendment is in order. In the argument I referred to the fact that money was available in the hands of the War Department to make this survey. In the acts for a number of years, including the act passed in 1904 for the year 1905—

The CHAIRMAN. Does the gentleman from Iowa make the point of order against the amendment?

Mr. SMITH of Iowa. I do make the point of order.

The CHAIRMAN. On the assumption it has been reported to the House. Pending that, does the gentleman from Virginia desire to be heard on the point of order?

Mr. MAYNARD. I will submit the question to the Chair.

The CHAIRMAN. In the opinion of the Chair, while, as the Chair stated before, the matter is in doubt and it may be to a certain extent an arbitrary ruling, the general appropriation under the practice of the House might probably be used by the War Department for the purpose of making the survey proposed by the amendment, but, in the opinion of the Chair, it is not within the province of the House, contrary to the rules, on this appropriation bill to provide for a work not in progress. This work is not in progress, and the Chair therefore sustains the point of order.

The Clerk read as follows:

For construction of sea walls and embankments, \$25,000.

Mr. WALDO. Mr. Chairman, I desire to submit an amendment at this point.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by including, on page 2, between lines 23 and 24, the following words:

"For the purchase of land adjoining Fort Hamilton, Brooklyn, N. Y., and necessary for the enlargement of said fort and the maintenance and preservation of the fortifications at said fort, the sum of \$250,000."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against this amendment.

The CHAIRMAN. The gentleman from Iowa makes the point of order.

Mr. WALDO. Will the gentleman reserve his point of order?

Mr. SMITH of Iowa. The gentleman from New York requests that I reserve the point of order, and I see no objection to that.



The CHAIRMAN. The gentleman from Iowa reserves the point of order.

Mr. WALDO. Mr. Chairman, this is a matter that has been repeatedly recommended by the War Department. They are now constructing at Fort Hamilton very heavy fortifications, but the reservation is too small and the improvements there too little to accommodate sufficient force to take care of fortifications already constructed at an expense of \$2,500,000. This addition to the fort and the construction of other barracks for the purpose of accommodating the necessary force to take care of such fortifications as already exist, were recommended by Colonel Greenough, commandant at this place for several years. It is also recommended by Secretary Taft and by Gen. Frederick D. Grant, the commandant of that department. This was especially called to my mind by a resolution adopted by the Chamber of Commerce in the city of New York on the 3d day of January, 1907, calling attention to the fact that the artillery force was not sufficient at New York City to take care of the fortifications that were there at present. There are not barracks enough, there is not room—not the proper parade grounds, or anything else at this place—and the Government before expending large sums of money on insular possessions certainly ought to take care of the metropolis of the country. This bill provides for over a million and a half of dollars to be expended principally in new fortifications in the Philippines. It is a very grave question whether any money ought to be expended in the Philippines until the coast of our country is properly protected. A proposition has been made by citizens residing in the neighborhood of this fort, that the Government either ought to abandon the fort or it ought to take care of it. Anyone who has been through that fort lately knows that its condition is shameful; that the fortifications that have been put there at large expense—I am informed over \$2,500,000 within the last few years—are going to rack and ruin. The guns are rusty, everything shows lack of proper repair and preservation, because there is no place there in which to keep a sufficient force to take care of the fort. This is a matter, it seems to me, that requires the prompt attention of Congress. I see no reason why any objection should be made to the expenditure of this small sum for this very necessary purpose.

I will ask that the resolution to which I have referred, from the Chamber of Commerce of the city of New York, be appended to my remarks.

The resolution is as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,  
New York, January 10, 1907.

At the monthly meeting of the chamber of commerce, held January 3, 1907, the following in reference to House bill No. 17347 to reorganize and to increase the efficiency of the artillery of the United States Army was unanimously adopted:

"Whereas this chamber feeling a deep solicitude that this great and most important harbor and entrance for the commerce of the United States should be amply protected by all possible and practicable local fortifications and be supplied with the most modern and effective weapons of war, did on January 4, 1900, pass a series of resolutions intended to impress upon Congress the great value and absolute necessity of action to remedy this defect in our system; and

"Whereas Congress and the United States authorities, under its action and approval and furtherance of this idea and desire, passed requisite acts and have created and mounted at its forts at the entrance of the harbor suitable guns, etc., as suggested by the chamber, and for which the chamber does hereby express its gratitude and acknowledgment; and

"Whereas the necessity of an important addition to the personnel of qualified officers and men acquainted with the new and changed character of the equipment and needed to supply the additional work required in all parts of such changes and additions, do hereby most earnestly ask and urge upon Congress the adoption and passage of House bill 17347, entitled 'A bill to reorganize and to increase the efficiency of the artillery of the United States Army,' calculated to supply the actually needed additions, etc."

MORRIS K. JESUP, President.

Attest:

GEORGE WILSON, Secretary.

Mr. SMITH of Iowa rose.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to be heard on the point of order?

Mr. WALDO. Mr. Chairman, I desire to be heard on the point of order.

Mr. FITZGERALD. Mr. Chairman, I wish to say to my colleague that I am heartily in favor of some provision being made for the enlargement and proper repair of the fort at Fort Hamilton. A number of Army officials from time to time have strongly urged that additional land be acquired at that place and that certain changes be made in the present arrangement of the buildings. If this reservation is to be enlarged it should be at once or in the near future. Otherwise it will be impossible for the Government to acquire lands for that purpose at this place. Land in the neighborhood of this fort is worth to-day between \$10,000 and \$15,000 an acre, and the price is rapidly enhancing, so that if the Government is ever to enlarge this fort the land should be acquired now while the prices are within

reason and not wait until it will be utterly impossible to acquire the lands.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. FITZGERALD. Certainly.

Mr. SMITH of Iowa. I wish to inquire for information how long it is since old Fort Hamilton was completed in its present state?

Mr. FITZGERALD. "The memory of man runneth not to the contrary." I do not know.

Mr. SMITH of Iowa. The Government, then, as I understand, bought all the land that was then deemed necessary, and completed a fort; and this is to enlarge or extend that work which has heretofore been once completed.

Mr. FITZGERALD. The system of coast defenses requires in the vicinity of Fort Hamilton a large number of modern guns that were not contemplated at the time Fort Hamilton was established. There is necessity for accommodation for a much larger number of troops than was contemplated when the present site for a reservation was acquired. The result is that from time to time various officials have requested and recommended that this additional land be acquired. In the last session of Congress, when the sundry civil appropriation bill was under consideration, this item estimated for by the Department was considered very briefly and hastily by the committee, and a remark that was made by an official gave the impression to the subcommittee that it was not an imperative need at that time. The fact is that if the Government intends to enlarge this reservation—and it has been recommended by every official who has been on duty in that vicinity, and has received the approval of the Secretary of War on several occasions—provision should be made soon, because the price of land in that vicinity is very high and rapidly increasing. The people of the neighborhood are not anxious for the enlargement of this reservation. This is not a land scheme. Within the past month residents of the locality petitioned the gentleman from New York [Mr. WALDO] to have the entire fort abandoned, as they believed it was a detriment to the property in the vicinity. Upon the request of the gentleman from New York a report was made by the Secretary of War, based upon information called for by him from several officials, who said that this fort was an essential feature of the defense of the city of New York, and that it was necessary to enlarge the fort. If this be true, something should be done; and if it can not be done in this bill, I wish to assure my colleague that I shall do everything in my power to have the committee provide for this item in the proper bill—the sundry civil appropriation bill. These reports that have been made must be considered, and if the land desired can not be acquired at this time it will be impossible for the Government in the future to acquire the land at all. I simply wish to say this, so that my colleagues on the committee will realize that during this present session of Congress it will be necessary to consider this item seriously and to determine definitely whether the land shall be acquired or whether the plans of the Department, so far as the renovation and enlargement of this fort are concerned, shall be abandoned.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SMITH of Iowa. I desire to insist upon the point of order simply upon this ground, Mr. Chairman: It is practically conceded, and it is true, that Fort Hamilton is completed. It has been a fort since the memory of man runneth not to the contrary. It is proposed to enlarge the inclosure around the existing fort. Those appropriations have never been carried on the fortification bill. This land is not desired for fortification purposes. There is nothing to show that it is proposed to put a battery upon this land, and there is no design to put a battery upon this land. But it is proposed, perhaps, to have barracks and have quarters and have something incident thereto to enlarge this fortification site.

Now I would like and need, greatly need, an appropriation to enlarge the Federal building in my own town; and yet it is not "a continuance of a work in progress." That building has been completed, and it is not in continuation of a work in progress to enlarge the site or that building. This Fort Hamilton has been completed. This proposition here now is to enlarge it, and is no more a continuance of a work in progress than to put an appropriation on the sundry civil appropriation bill for every public building in America to enlarge and extend it. Such appropriations are never carried on the fortification bill, and never should be carried in the sundry civil bill.

The CHAIRMAN. Is it the contention of the gentleman that this amendment will be subject to the point on this particular bill?

Mr. SMITH of Iowa. I contend that it is not in order at all—

Mr. FITZGERALD. Oh, it is.

Mr. SMITH of Iowa (continuing). And second, it is especially not in order upon this particular bill.

The CHAIRMAN. Does the gentleman think that no appropriation for the purchase of land for forts would be in order upon the fortification bill?

Mr. SMITH of Iowa. Oh, no; I would not say so, because it has been the practice from very early time, and the practice may be stated as defined in the rules of the House, to carry general appropriations for sites for seacoast batteries, not for any specific site at all, but generally for sites. But here is a proposition to enlarge an existing, established, and completed fort. That, I say, is not in order upon this bill. I do not think it will be in order upon the sundry civil appropriation bill.

Mr. FITZGERALD. Mr. Chairman, it was held in order upon the sundry civil appropriation bill at the last session of Congress.

Mr. SMITH of Iowa. Does the gentleman say that it was so held?

Mr. FITZGERALD. It was held to be in order. The Chair can get a ready reference to that ruling, I am sure.

Mr. WALDO. Mr. Chairman, in the first place, it is not a completed fort. The new fortifications that were commenced here are not completed. This additional land is now needed to take care of the troops just as much as the land between two guns.

In the first place, there are already provisions in this bill for the purchase of land, one for the purpose of establishing electrical plants in fortifications, and another to buy land in the Philippines for new fortifications. This amendment, it seems to me, is for the preservation of a fortification rightly to be considered as still under construction. One thing must be constructed anyway and that is quarters for the troops, because they have been practically all burned down. Whenever the barracks are to be constructed, they ought to be constructed as they are intended to remain permanently, be in such size and form as will take care of the proper force; that is as much a continuance of a work under way as anything provided for in any line the gentleman has in his bill.

The CHAIRMAN. Will the gentleman from New York permit the Chair to ask him a question with reference to the language of the amendment:

Necessary for the enlargement of said fort—

And so forth. Is the declaration that this land is necessary a change of existing law or not?

Mr. WALDO. I think it is not, for the reason that it is not only an enlargement, but it is necessary for the preservation and care of the present fortification. That is the language of that amendment. The War Department has repeatedly so declared. Every commandant of that fort for the last ten or fifteen years has so declared. The present commander of the Department of the East has so declared, and there is nobody else in authority who can give any more information or better information than we now have.

The CHAIRMAN. While the Chair thinks there may be some question in reference to the form of amendment making a declaration that this purchase of land is necessary, and that possibly that might be construed to be a change of existing law, yet the Chair assumes that that is more a matter of argument than it is a declaration of law. The rulings have been that where the Government owns land, or a site, the purchase of adjoining land is not subject to a point of order and is a continuance of a work in progress. The Chair, therefore, overrules the point of order.

Mr. SMITH of Iowa. Mr. Chairman, in view of the fact that two arguments have been made in support of this amendment, under the reservation of the point of order, I simply desire to urge upon the committee that it would be unwise to incorporate this amendment, for this, if for no other reason: Estimates of this character are sent to the subcommittee on the sundry civil bill. This subject was never brought before the committee having consideration of this bill. There has been no consideration of it, or opportunity for that committee to go into the merits of the proposition. I say it in all kindness, but my distinguished colleague from New York, the gentleman who speaks in favor of this amendment, never called it to the attention of the subcommittee of which he is a most useful member. Not the slightest consideration has been possible at our hands of an estimate made for another bill, where this amendment, if proper, would be considered by the committee. And for this House to incorporate large additional appropriations for items that have not been considered and could not be considered, because not referred to the committee in charge of this bill, would not only

establish a bad precedent, but it is unwarranted, even upon the opinion, in my judgment, of such capable Members as the two gentlemen who have spoken in favor of the amendment. I therefore submit that the amendment ought to be voted down, to let the estimate of this expenditure be investigated by the subcommittee to which the estimate has gone for this enlargement. I personally know nothing as to its merits, and that is the situation of all the subcommittee except the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I wish the gentleman would take my assurance that it is a perfectly proper appropriation to make at this time.

Mr. SMITH of Iowa. The gentleman's assurance is perfectly good with me on almost any subject; but I do think that when he wants \$250,000 on this bill, he might, in kindness to the rest of us, tell us about it before the bill is reported, so that we may know that the subject is coming up.

Mr. FITZGERALD. The reason it was not called to the attention of the subcommittee considering this bill was that I understand that, under the practice of the House, it properly went to a different subcommittee.

Mr. SMITH of Iowa. That is undoubtedly true.

Mr. FITZGERALD. I think it is proper for me to say this in explanation of my own position.

Mr. SMITH of Iowa. That is undoubtedly a good explanation, but it is also a good reason why the House should not now vote in favor of the amendment.

Mr. FITZGERALD. My colleague [Mr. WALDO] has so well presented the reasons for this appropriation that, inasmuch as it is in order upon this bill, it seems to me we can not do less than to urge all those reasons upon the members of the committee and ask them to accept the statements and vote the money for this very necessary and proper work.

Mr. GILLETT. Has the sundry civil bill been reported or considered at this session?

Mr. FITZGERALD. I am not a member of the subcommittee that considers that bill, and I am unable to state from my own knowledge whether the bill has been considered by that committee.

Mr. GILLETT. I will ask the gentleman from Iowa.

Mr. SMITH of Iowa. The sundry civil bill, as I understand it, has been printed for the use of the subcommittee and contains this item for consideration by the subcommittee.

Mr. GILLETT. So that there is still opportunity for this item to be considered by the proper committee.

Mr. SMITH of Iowa. And it will be considered and accurate knowledge obtained as to the merits of the project, if opportunity is given to that committee to investigate it.

Mr. FITZGERALD. If the gentleman is as favorably impressed by the soundness of the argument made in favor of this item by my colleague [Mr. WALDO] and myself, it seems to me that we are justified in urging the amendment at this time.

Mr. SMITH of Iowa. I am always favorably impressed with the remarks of the gentleman from New York.

Mr. HILL of Connecticut. The gentleman from New York [Mr. FITZGERALD] is possibly familiar with these waters and with the system of defense from Sandy Hook up to New York City. Now, I want to ask him if he honestly believes that Fort Hamilton to-day is any more essential to the defense of New York City than a battery would be in the middle of Central Park?

Mr. FITZGERALD. The men best equipped to express an opinion on that point have stated within three weeks that this feature is absolutely necessary for the defense of New York.

Mr. HILL of Connecticut. I ask the gentleman from New York what his opinion is, with his familiarity with the whole location?

Mr. FITZGERALD. The gentleman from New York is not so presumptuous as to give an opinion upon that point against the expressed opinion of the experts of the War Department. I read with much interest the statement that was made by these gentlemen, that the guns erected at Fort Hamilton will control Ambrose channel, which is now in course of completion. They say that they are essential for the defense of the harbor at that point. I assume that the officials of the Department are able to determine that question. The Secretary of War had a consultation with the Chief of Artillery, the Chief of Ordnance, and, I think, the head of the Bureau of Ordnance, and they said that it was absolutely necessary as a part of the system of fortifications at the harbor of New York to maintain this particular place.

Personally, if it were not necessary, I would welcome the abandonment of the fort, because I believe that it does prevent the development, in a very desirable way, of a very desirable portion of the city in which I reside. But the War



Department insists that this is imperative, that this fort must be maintained, and I am unable to offer an opinion against the expression of the officials of the War Department. Perhaps the gentleman from Connecticut is better able to pass on that question than myself or the officials of the War Department.

Mr. HILL of Connecticut. It is because I doubted the accuracy of my own judgment that I appealed to the gentleman from New York. I have not got his opinion yet, although he has quoted the opinion of other people.

Mr. FITZGERALD. My opinion is based upon the information by men who are eminently qualified to give an opinion, that this is an essential feature of the defenses of the harbor of New York.

Mr. WALDO. Mr. Chairman, I desire to say in response to the remarks of the gentleman from Connecticut that anybody who lives in the city of New York will appreciate the force of the argument in support of this amendment. Perhaps if the gentleman lived in a small town in Connecticut, or in the western part of this country, two or three thousand miles from the coast, he might think it was not necessary to defend the harbor of a great city like New York. But the entrance to this harbor at Fort Hamilton is 12 miles wide, and small vessels can come into the harbor 10 miles distance of the fortifications at Sandy Hook, and when the Ambrose Channel is built, they can come in a direct line to the Narrows between Fort Hamilton and Fort Wadsworth, and do not pass close in front of the Sandy Hook fortifications for two or three miles, as they must in the present ship channel. The guns of the present fortifications at Sandy Hook would only command Ambrose Channel a short distance, while small vessels could come up Coney Island channel, past Sandy Hook, at a distance of 9 or 10 miles at any time, and shell the city from the inner harbor, if it were not for the fortifications at Fort Wadsworth on Staten Island and these fortifications opposite at Fort Hamilton. In the opinion of the War Department these fortifications on opposite shores of the narrow entrance to the upper bay are an absolutely necessary second defense against a hostile fleet coming into the harbor. If these two forts were torn down, as suggested by the gentleman from Connecticut, of course a hostile fleet, some of it, at least, could come into the harbor. There is no question about that. The city could be destroyed by light vessels without any question. If I did not think this appropriation was absolutely necessary, I should not be advocating it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and upon a division (demanded by Mr. WALDO) there were—23 ayes and 34 noes.

So the amendment was lost.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$325,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I notice that in a series of paragraphs that have last been read, four or five in number, there is this language:

And the machinery necessary for its manufacture at the arsenals, \$325,000.

Coupled with the provision of the purchase and test of ammunition there is also in each of these paragraphs a provision for the manufacture, or for the purpose of at least purchasing machinery for manufacture. I desire to inquire of the gentleman in charge of the bill if it is in contemplation that the Government should enter into the manufacture of the various munitions of war or equipments for war that are provided for in these paragraphs?

Mr. SMITH of Iowa. Mr. Chairman, substantially always a portion of these items are let to contract and a portion is expended at the arsenal. The expenditure at the arsenal almost always requires some incidental machinery. There is never carried in the appropriation for the enlargement of the arsenal or new shops or anything that would enable the great expense of the manufacturing project, unless it be specifically given in the bill, and there is nothing of that kind in this bill.

But it is the practice of the Government to buy some pieces, some portions that are partially manufactured, some castings of some other iron shapes, and the like of that, so that it becomes necessary to carry the language both for purchase and manufacture, even if the Government is to in a sense manufacture the completed article in all instances. That is, if the Government is going to manufacture a siege gun, we will say, certain pieces will be bought that had upon them some work done, so that they might be called manufactured articles as distinguished from pure raw material, and it is necessary to

carry this language to enable the Department to carry on this manufacturing enterprise, and they divide the money between the public contracts and the public manufactures, so as to be able to determine what is a fair and reasonable price.

Mr. HEPBURN. I would like to further ask the gentleman if it would not be possible, should the purpose find favor in the minds of the proper officer, to expend under the peculiar language of these paragraphs a very small sum for the purchase of the article and the balance of each one of these appropriations in the procurement of machinery, so as to lay the foundations for a complete manufacturing establishment at each one of the arsenals of the United States?

Mr. SMITH of Iowa. I may say that I do not think it would be.

Mr. HEPBURN. I say, might it not be under the language of this paragraph?

Mr. SMITH of Iowa. I do not think it would be. This is language which has long been used, and it has an interpretation in the Auditor's office as well as in the War Department, and the machinery that is authorized here is, by the language of the bill, an incident to the manufacture of the main article described. I can not conceive that if a man is authorized to manufacture seacoast cannon and to purchase the machinery necessary to manufacture the seacoast cannon that any of the money could be expended wholly for machinery to manufacture seacoast cannon. In any event, I would say that this has been the language used in this bill without criticism and without objection from as far back as I know anything about fortification bills, and I think is wise language in its practical use and as applied by the Chief of Ordnance.

Mr. HEPBURN. Mr. Chairman, I do not know that it is at all proper for me to criticize the language of gentlemen who are and have been familiar for a long time with the preparation of statutes of appropriations, yet it seems to me that the language used here is the very extreme of looseness. The language is for the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenal. I undertake to say that it would be a fair interpretation of that language that would authorize the expenditure of a small amount for the purchase of cannon and ammunition and testing thereof, and a large sum—nine-tenths of it, if you choose—for the purchase of machinery, and that no auditing officer would have a right to interfere with the discretion of the officers of the Government charged with the purchase and procurement of these articles.

Mr. SMITH of Iowa. May I ask the gentleman if this language can possibly be in any wise interpreted except that it is to purchase the machinery to produce the seacoast cannon provided for in this item?

Mr. HEPBURN. I don't know that there is any limitation in this paragraph upon the number of cannon or upon the amount of ammunition that may be purchased, excepting that limitation that it put on those acts by the words "three hundred and twenty-five thousand dollars;" that it would be entirely legitimate to expend \$1,000 or, say, \$25,000 in purchase and \$300,000 for the procurement of machinery, and that it would not be within the authority of the auditing officer to affect in any way that discretion so used by the officer who purchases. The law might put limitations upon the act of the purchasing officer if it saw fit to do so, but instead of that, abdicating its right, it has conferred upon him a discretion as to the amounts that he may use, and while I think that perhaps there is but little doubt or little probability of the abuse of that discretion, yet the discretion is lodged in him and it has extended over items that amount in the aggregate to millions of dollars.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Iowa may be extended for five minutes. Is there objection?

There was no objection.

Mr. HEPBURN. While the language may for a long time have been used, and may be canonized because of its use, yet I submit that it is loose; that it is not the language of definiteness that ought to be in an appropriation bill, and that it does extend a broad measure of discretion that ought to have proper limitations.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HEPBURN. Yes.

Mr. FITZGERALD. My understanding is that that language was attached to these particular paragraphs because in the

manufacture of these different articles and munitions of war it was found necessary to make some very insignificant repairs to certain machines and to make certain inexpensive tools. Last session, when I was first a member of the committee, the same objection the gentleman raises appealed to me, and the explanation of the method of disbursement under it satisfied me that while the language was not the best that perhaps might be devised, the method in which it had been worked out had accomplished a desirable result.

Mr. HEPBURN. Mr. Chairman, I am not at all satisfied that the results of the exercise of the power of these officers have at all times been satisfactory. The results are not always satisfactory. I am led to make that remark by certain matters which were developed yesterday in this committee. Yesterday I put the query to the gentleman in charge of the bill with reference to the powder manufacturers, and it was developed during that discussion that two naval officers, educated by the Government and in the employ of the Government, had been detailed to a certain scientific investigation. That investigation was a part of their employment and as a recognized duty was undertaken by them. They made such progress with it through their employment and with the material of the Government at the arsenals of the Government, with the aid of the employees of the Government, that a discovery valuable to the United States resulted, namely, the method of the manufacture of smokeless powder. These gentlemen, furnished with these opportunities, with these facilities, charged with these duties, took advantage of the knowledge which they had acquired, the employment they had, to patent these discoveries and then sold the patents to other parties. The gentleman says that the rights of the United States were reserved and were carefully protected. So far as my investigation goes and so far as my knowledge goes, the rights of the Government were protected to the extent that the Navy Department made use of these patented discoveries.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman allow an interruption?

Mr. HEPBURN. Certainly.

Mr. SMITH of Iowa. The gentleman, I think, scarcely means to state that I said the rights of the Government were reserved and well protected.

Mr. HEPBURN. I think that was the emphatic language of the gentleman.

Mr. SMITH of Iowa. The RECORD will show I used no such language.

Mr. HEPBURN. Very well, I may be mistaken, but that is as I understood the gentleman.

Mr. SMITH of Iowa. I did not so intend to be understood. I—

Mr. HEPBURN. I understood him to say by reservation ample in character in the deeds of transfer the rights of the Government of the United States had been amply protected; but, waiving that, I will submit that I am in error if the gentleman insists, but I insist that the rights of the Government in the instance I have adverted to are not protected, but merely reserve to the Navy Department of the Government of the United States the right to employ or make smokeless powder. My information is that the assignees of the rights of these officers of the United States have engaged extensively in the manufacture of powder; that they have engaged in combinations whereby the price of powder has been wonderfully augmented and the Government of the United States has but two alternatives—to engage in the manufacture themselves or to submit to the extortion of those who are using these inventions that, in my humble judgment, belong solely to the United States. But not only that, the information that I have is that the present owners of these rights have now contracts with other governments to furnish smokeless powder to them, and while it is difficult for the United States to obtain it the possible future enemies of the United States are being supplied with it. In other words, we have educated men, detailed men, paid men, furnished men with facilities for making this invention, and then have permitted those men to sell to the possible enemies of the United States, and it may be—such a thing is not impossible—that should war occur with certain European powers we would find that we have put into their hands the power that would come to them from the uses of this invention.

[Here the hammer fell.]

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman may finish his remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Iowa may conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. I certainly thank the committee. I submit,

Mr. Chairman, in view of this possible condition, that the language of the gentleman from Iowa, which I will quote, was not happily selected on yesterday. He said:

And so patents upon smokeless powder were granted to these officers of the United States and the right to produce in unlimited quantities vested in the Government of the United States without the payment of any royalty whatever. If some American powder manufacturer wants to manufacture this smokeless powder for sale to any power on earth outside of the United States Government, I for one am willing that that power shall pay a royalty for the genius of that American officer in inventing the device or the powder.

I submit, sir, that we are not compensated, should a condition of war exist and we be confronted with an adversary armed with this material that we have made possible by the reflection that American genius is being so much benefited. [Applause.] We would not be compensated by the fact that foreign traders are compelled to pay a royalty to an American citizen. That is not the question here. The question is whether or not these gentlemen that are charged with the expenditure of this money, gentlemen who are charged with the execution of this law, in view of what has occurred in connection with this matter, have shown that they are the proper persons to be invested with the large responsibility and the large discretion which this faulty language of the bill vests them with. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, I wish to say that I stated, as I understood it, the rights of the United States Government that were granted by license. I did not attempt at that time to even define the rights of the United States outside of the license; I did not say that the rights of the United States were amply or in any other degree protected, but stated the facts as they were. It is not claimed that this process is a secret process betrayed to foreign powers. It is claimed that it is a patented process.

Now, I reiterate what I then said, that if foreign powers are to buy this powder I have no objection to their paying an excessive price for it, and that is all I said yesterday upon that subject.

Now, in order that there may be no possible room for differences as to the facts I ask unanimous consent to print in the RECORD a letter from Mr. Allen, the Commissioner of Patents, together with the two certificates and the exhibits attached thereto inclosed in said letter, being the two licenses to the Navy Department to manufacture, the one, colloid explosive, and the other, smokeless powder.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent to print in the RECORD certain documents which he has indicated. Is there objection?

There was no objection.

The documents referred to are as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES PATENT OFFICE,  
Washington, D. C., March 9, 1906.

HON. JAMES A. TAWNEY,  
House of Representatives, Washington, D. C.

MY DEAR MR. TAWNEY: I send you herewith certified copies of two licenses from John B. Bernadou to the Bureau of Ordnance of the Navy Department of the United States to manufacture under Letters Patent Nos. 652455 and 673377, dated December 22, 1902, and referred to by you in your telephonic message this morning.

I remain, yours, very truly,

F. I. ALLEN, Commissioner.

DEPARTMENT OF THE INTERIOR, UNITED STATES PATENT OFFICE.  
To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the records of this Office of an instrument of writing executed by John B. Bernadou December 22, 1902, and recorded December 30, 1902, in Liber H-66, page 337. Said record has been carefully compared with the original and is a correct transcript of the whole thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the city of Washington this 9th day of March, in the year of our Lord one thousand nine hundred and six and of the independence of the United States of America the one hundred and thirtieth.

[SEAL.]

F. I. ALLEN,  
Commissioner of Patents.

[Liber H-66, p. 337.]

In consideration of the sum of one dollar to me in hand paid by the Bureau of Ordnance of the Navy Department of the United States, receipt of which is acknowledged, I do hereby license and empower the said Bureau of Ordnance of the Navy Department of the United States to manufacture, for the use of the United States naval service, at the United States naval powder works at Indian Head and at any other works that may hereafter be built by the Navy Department of the United States, the invention described as an improvement in "colloid explosive and making same," for which Letters Patent of the United States, No. 673377, were granted to me the seventh day of May, in the year 1901, to the full end of the term for which said letters patent are granted.

Signed at Washington, District of Columbia, this 22d day of December, 1902.

JOHN B. BERNA DOU.

In presence of—  
HARRY W. SMITH.  
F. M. LANIGAN.

Recorded December 30, 1902.



## DEPARTMENT OF THE INTERIOR, UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the records of this Office of an instrument of writing executed by John B. Bernadou December 22, 1902, and recorded December 30, 1902, in Liber H-66, page 338. Said record has been carefully compared with the original and is a correct transcript of the whole thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the city of Washington this 9th day of March, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirtieth.

[SEAL.]

F. I. ALLEN,  
Commissioner of Patents.

[Liber H-66, p. 338.]

In consideration of the sum of one dollar to me in hand paid by the Bureau of Ordnance of the Navy Department of the United States, receipt of which is acknowledged, I do hereby license and empower the said Bureau of Ordnance of the Navy Department of the United States to manufacture, for the use of the United States naval service, at the United States naval powder works at Indian Head and at any other works that may hereafter be built by the Navy Department of the United States, the invention described as an improvement in "making smokeless powder," for which Letters Patent of the United States No. 652455 were granted to me the twenty-sixth day of June, in the year 1900, to the full end of the term for which said letters patent are granted.

Signed at Washington, District of Columbia, this 22d day of December, 1902.

JOHN B. BERNADOU.

In presence of—  
HARRY W. SMITH.  
F. M. LANIGAN.

Recorded December 30, 1902.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word in order to ask a question. Are those two patents the patents under which the Du Pont Powder Company are manufacturing powder?

Mr. SMITH of Iowa. I understand that these are two patents, among others, on which the Du Pont company is manufacturing powder. I understand that the formula for the smokeless powder for the Army is not quite identical with the powder covered by these patents; but it is probable that these patents would entitle a party at least to a royalty on the powder used in the Navy and perhaps on the powder used in the Army, in the absence of some right of the Government by license or otherwise.

Mr. GAINES of Tennessee. Can the gentleman tell whether Mr. Waddell, of Illinois, manufacturer of powder, is manufacturing under these two patents?

Mr. SMITH of Iowa. I think not; but I am not certain about that.

Mr. GRAFF. I will state for the information of the gentleman from Tennessee [Mr. GAINES] that Mr. Waddell only manufactures black powder, and that he formerly worked for the Du Pont company.

Mr. GAINES of Tennessee. I understand that he did.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. SMITH] has expired.

Mr. SMITH of Iowa. Mr. Chairman, I would like unanimous consent to take just a moment upon this subject in order to suggest—

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, there has been no suggestion from any source that we should build any more of these powder factories than we are at present. The gentleman complains, apparently—and I do not want to use the word "complain" if that is not satisfactory to him—that we ought not to authorize the use of this money for machinery, whereas the very object in authorizing its use for machinery is to enable the Government to manufacture the respective articles named if it finds it can do it cheaper than it can buy them in the open market.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, since my last colloquy with my friend from Iowa [Mr. SMITH] I have been handed by the gentleman from Pennsylvania [Mr. KLINE] a letter touching on this question. I will ask that the Clerk please read it for the information of the committee.

The CHAIRMAN. The gentleman from Tennessee renews his motion to strike out the last word. Without objection, the letter will be read in the gentleman's time.

There was no objection.

The Clerk read as follows:

KEYSTONE POWDER MANUFACTURING COMPANY,  
Emporium, Pa., January 14, 1907.

HON. MARCUS C. L. KLINE, M. C.,  
Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your esteemed favor of the 12th instant, and note what you say in regard to the distribution of the contract for smokeless powder for the use of the United States Army and Navy among different competitors, and for your information would say that there are no competitors in this business, as the only people who manufacture smokeless powder in this country are the E. I. Du Pont Company, Wilmington, Del. It is, of course, true that bids will be submitted under half a dozen different names, but for your information would say that these names are simply titles of concerns incorporated in the E. I. Du Pont Company and any bid you might receive for smokeless powder will go direct to Wilmington, Del., so that you will see there is no competition whatever.

I am not sufficiently familiar with the cost of a plant for the manufacture of smokeless powder, but I know it is an expensive proposition. So far as I am able to judge, I should think an appropriation of \$3,000,000 for that purpose to be money well spent, as the history of this country just prior to the war with Spain fully shows, and I have no doubt but you are familiar with the conditions existing at that time, when, as you well know, the Government had to delay operations until they received a limited supply of smokeless powder from foreign countries, and also that the Army and Navy were both badly handicapped by having to use black powder as against the smokeless powder used by the Spaniards.

This is a matter of record, which you can easily ascertain from the files in Washington.

Yours, truly,

KEYSTONE POWDER MANUFACTURING COMPANY,  
A. C. BLUM, Secretary.

Mr. GAINES of Tennessee. Now, just one observation. The point I make it this, gentlemen: This smokeless-powder patent belongs to the Government of the United States. It was patented by Professor Munroe and turned over to the Government of the United States as its property, because he discovered it in line of duty and when he was working for the Government of the United States as an officer. Now it has gotten out of the hands of the Government of the United States, or its exclusive power, and has gone into the hands of this powder monopoly that we are trying to control by making appropriation in this or some other bill to build a smokeless-powder factory and make our own powder. Why not withdraw our property, if it is our property, from any and everybody, if we please, and thus save the expense of building a smokeless-powder factory, or control those who use this patent, and thus save money? If it is the Government's property, let the Government take charge of it and control those who use it. If it is Du Pont's property, let Du Pont have it. That is the point about it, and that is why I have addressed myself to the subject here to-day.

Mr. FITZGERALD. I move to strike out the last word. I do so simply to refer very briefly to one criticism made by the gentleman from Iowa [Mr. HEBURN] as to the language used in several items of this bill. Criticism was made of the use of the words "and the machinery necessary for the manufacture" of certain munitions of war "at the arsenal." It appeared, Mr. Chairman, in the examination of this bill last year by a subcommittee that this language did confer upon certain officials in the War Department a discretion that appeared to me then as unwise. The Chief of the Bureau of Ordnance, however, explained the purposes to which the expenditure of this money were put in so satisfactory a manner that the committee was unanimous in the belief that it was not only wise but necessary to have such language in the bill.

I am one of those who believe that the purposes for which appropriations are made should be as specifically stated as language can make them; and yet it was found that in the manufacture of certain implements of war in the arsenals it would be necessary from time to time to manufacture certain instruments, not of a very expensive character, but of a very essential nature in the manufacture of these guns, and unless this particular language was incorporated in each of these provisions there were no funds available for the acquisition of these instruments, and the entire appropriation would be unavailable for any purpose whatever.

That there is little danger that the discretion reposed in these officials will ever be abused is apparent when it is stated that the purpose for which each appropriation carried in the bill is asked was specifically explained by the chiefs of the different bureaus when the bill was under consideration. So that while I agree with the gentleman from Iowa that so far as possible the specific purpose for which the appropriation is made should be plain in these bills, yet there are some items in the bills where we have been unable to find anyone who could suggest language that would accomplish what Congress desires in these appropriations and use language not identical with the language they contain.

I simply state these facts so that Members will know that the committee in preparing this bill had this very objection in

mind, and that a criticism that at first sight might be made legitimately to this language does not in fact exist.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read:

The Clerk read as follows:

FORTIFICATIONS IN INSULAR POSSESSIONS.

For construction of seacoast batteries in the Hawaiian and Philippine islands, \$600,000.

Mr. KEIFER. Mr. Chairman, I move to amend in line 23, page 6, by inserting after the word "islands" in that line the words "one million."

The Clerk read as follows:

Page 6, line 23, after the word "islands" insert "one million," so as to read "one million six hundred thousand dollars."

Mr. KEIFER. Mr. Chairman, I shall not make any further extended remarks in support of this amendment. It is in the line of what I have already said. If this amendment is put in the bill it will provide an appropriation of \$1,600,000 for seacoast batteries in Hawaii and the Philippine Islands, which is little more than two-thirds of the amount recommended and estimated for immediate use, or rather to be expended in the fiscal year ending June 30, 1908. The recommendation of the War Department for purposes of seacoast batteries in the Hawaiian and the Philippine islands, to be expended in the fiscal year thus ending, is \$2,303,000, I believe. So that if my amendment should carry the bill would then provide a little more than two-thirds of the amount believed to be requisite and absolutely necessary for the purpose of seacoast batteries in the Hawaiian and Philippine islands.

It is not enough. I do not like even to be classed with those who want to get along with a small per cent of the absolutely necessary appropriation; but with the hope and belief that if this amendment is adopted the War Department will be able, with \$1,600,000, to adopt some plan, now impossible, by which it can put in some really effective fortifications at Pearl Harbor and Honolulu, in Hawaii, and at Manila, in the Philippine Islands. I thought that the House might be willing, if it is willing to do anything, to make this concession to the wishes of the President of the United States and the Secretary of War, and to the recommendations of the distinguished officers of the Army and Navy and the Taft Board, composed of Secretary Taft and expert, highly educated, trained, and experienced officers of the Army and Navy. Therefore, I offer the amendment just read.

Mr. SMITH of Iowa. Mr. Chairman, just a word. The gentleman has not called the attention of the House to the fact that the items in this bill should be balanced. Seacoast batteries simply mean emplacements. We have balanced the \$600,000 in the bill with the amount allowed for guns in the insular possessions, and if one item be changed without a corresponding change in the other, it throws the entire bill out of balance. So that if this is the only amendment he means to offer the amount would be out of balance with the amount allowed for guns, and if not, he is asking for a very much larger increase than is suggested by the single amendment. Now, we have given the insular possessions \$600,000 more than last year, more than \$600,000 in excess of what they got the year before, and more than they ever got in the history of the insular possessions.

I want to present this one thought in addition, and that is that where we fortify a city we have several forts, and more than one battery to a single fort. So when we appropriate the money, as we are doing, a part at a time, it does not mean a fragmentary construction, but it means the establishment complete of a fort, or of a given number of batteries, just as effective as they will ever be.

I ask that this amendment be voted down.

Mr. KEIFER. Now, Mr. Chairman, I just desire to say a word in reply, if I may be allowed. It is not accurate for the gentleman from Iowa [Mr. SMITH] to say that we have appropriated this year \$600,000 more than last year, and I think he does not mean to make that statement. Last year we attempted to appropriate for Hawaii and the Philippines \$260,000 for coast defenses and this year \$600,000. Something was said about the \$260,000 not being expended. That brings me to say that it was almost impossible to expend it at all, because there was no adequate sum that could be applied in any way, or for any useful purpose, and so it was not expended anywhere. The appropriation last year, as agreed upon in the conference committee on the fortifications bill, was intended to be \$260,000 for Hawaii and the Philippines; but here came in one of those unfortunate things about the enrollment, and it appeared in the law as an appropriation of \$260,000 for the Hawaiian Islands alone. I am informed that that has not been expended, for the reason that they have no sites or places, and that they have no plan or pur-

pose to which they could apply it without wasting it, the amount being so small.

Mr. GRAFF. Will the gentleman yield for a question?

Mr. KEIFER. Certainly.

Mr. GRAFF. Is it not true that \$260,000 was all that was asked for the Hawaiian Islands last year?

Mr. KEIFER. Oh, no; I think not.

Mr. GRAFF. That was all that was asked for that purpose.

Mr. KEIFER. We wanted a larger amount, and my recollection is that we had in our bill a larger sum, but in the committee of conference we agreed upon \$260,000 to be used in the Hawaiian and Philippine islands; but it turned out, with the law as it is now, that that applied only to the Hawaiian Islands. I think that now, if we have an appropriation of \$1,600,000, the War Department can proceed, adopt a definite plan, and in the fiscal year to come can have some sort of real, substantial fortifications at Manila and at Pearl Harbor and Honolulu.

Mr. SULLIVAN. Mr. Chairman, I move to strike out the last word. I do so in order to ask the gentleman from Ohio a question. Is the gentleman's amendment, asking for the increase, based upon the plan of the Taft Board for the fortification of certain places in the insular possessions?

Mr. KEIFER. It is based upon the plan of the War Department, and that, in general, is based upon the plan of the Taft Board, as I understand it. But my proposition is that we shall have this amount of money available in the War Department to make some defense or defenses in the Hawaiian Islands and at Manila that will give us at least naval stations well protected.

Mr. SULLIVAN. Do I understand that this is in part execution of the plan of the Taft Board, which will require the expenditure ultimately of some \$11,000,000 for fortifications at Manila, Subig Bay, Pearl Harbor, and Guantanamo?

Mr. KEIFER. The recommendation and estimate of the War Department for the purpose of seacoast defenses to be expended in the fiscal year ending June 30, 1908, was \$2,303,000. I presume that the Department had a plan in view by which it was to accomplish something, but under the piecemeal appropriation we are now adopting we are to do nothing potential.

Mr. SULLIVAN. I assume that the War Department has some definite plan for fortification of these specified places in the insular possessions, that they are not proceeding in any haphazard way, and that the Taft Board has framed a plan which in its execution will require the expenditure of about \$11,000,000. Now, is it in pursuance of that plan that the gentleman from Ohio offered his amendment for an increase?

Mr. KEIFER. I am unable to say that there is any specific plan except that this amount of money will, I hope, give the Department enough money to adopt an effective plan, and I assume that it is working on the lines of the Taft Board recommendation, which is that there shall be an immediate, effectual fortification of Pearl Harbor and Honolulu and Manila Bay.

Mr. SULLIVAN. I understand, then, the gentleman's purpose is to get Congress to hurry in the execution of this plan and to proceed faster than the committee has recommended?

Mr. KEIFER. Undoubtedly that is the object of the War Department, to proceed so that at a very early day, or as early as practicable, we may have some defenses there where we have not now.

Mr. SULLIVAN. One further question. The gentleman is undoubtedly familiar with the attitude of the War Department; for some time we have been trying to get some definite statement of the policy of this Administration with respect to the future control of the Philippine Islands. I would ask whether the plan of the Taft Board, requiring the expenditure of \$11,000,000, is based upon the idea of the permanent retention of the Philippine Islands by the Government of the United States?

Mr. KEIFER. Mr. Chairman, I would be glad to answer, if I may, that this plan is not necessarily based upon the idea that we shall retain them, but is based upon the idea that so long as we do retain them no nation in the world shall come and take them away from us. [Applause.]

Mr. SULLIVAN. But is the plan of the Taft Board requiring the expenditure of the money which will complete the fortifications based upon the permanent retention of the islands?

Mr. KEIFER. It is a sufficient answer to say that the plan of defense of the Taft Board proceeded upon the idea that we shall not be in the naked condition there that we now are, and have our sovereignty taken from us by the first comer.

Mr. SULLIVAN. It seems to me we ought to find out or get some expression of the policy of this Administration with respect to the duration of our control of the Philippine Islands. If the Taft Board contemplates a complete plan of fortifications, and I understand it does, it would be manifest folly to



execute that plan if it is the policy of the Government to abandon the islands in the near future. It would be a waste of money to fortify islands that we intended to surrender. Therefore it seems to me that it would be economy on the part of the Government, and it would give the people of the country some intelligent idea of what its policy is, if we can get an expression by some one who is in the secrets of the Administration as to the Administration's purpose, and I thought the gentleman's familiarity with the War Department would enable him to speak with some authority.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, I am not in the secrets of the Administration or of the War Department, but I do know that the War Department stands for the flag of this country wherever it floats and is going to stand for it until the end comes, not that we shall abandon these possessions that have come to us at so much cost, but that we shall make disposition of them if we wish, or retain them through all time. The fact about it is that when we acquired the Philippine Islands we paid \$20,000,000 in cash toward their purchase, as well as paying the expense of the Spanish war, and if we should conclude to sell them to some power or surrender them to an independent government, including the Philippine Islands, then we could make terms for our permanent expense in fortifying them and preserving them, and if the gentleman wants to look further as to the wishes of the War Department, of the President, and various persons in authority, I will call his attention to what he will find in the RECORD of to-morrow's proceedings in the way of extracts from messages and reports, and so forth.

Mr. SULLIVAN. Can not the gentleman briefly tell me whether I will find in that RECORD he mentions any definite expression of the policy of this Government with respect to the islands and their future control?

Mr. KEIFER. This much the gentleman from Massachusetts will find, in all of the messages and recommendations of the President, in all of the reports of the Secretary of War, and in the reports of the boards, that the policy is to defend them and to protect them, and to have defenses built up there so that we can safely do it, and if from that he can draw any inference he will find it all in the RECORD day after to-morrow morning.

Mr. SULLIVAN. Mr. Chairman, I have never been able to draw any inference satisfactory to myself concerning the policy of this Administration with respect to the control of these islands. We have never received any definite information. The nearest approach to definiteness has been the statement that when the people of the Philippine Islands have acquired sufficient intelligence to appreciate the beneficent purpose of the United States Government then they might be trusted with some small measure of local government and, having shown some capacity to administer their local affairs, might eventually be granted from time to time larger shares in the administration of the government of the whole islands. That is the nearest approach to a definite statement that I have read yet, and I think that perhaps the gentleman, out of his abundant and, I think, definite information, might be able to tell us in a more definite way than we have been told yet just what the purpose of the Administration is with respect to these islands. If the gentleman is going to justify the appropriations made from year to year as part of a plan which will require some eleven or twelve millions of dollars to execute upon the theory that we are simply improving these islands, and that we will make some purchaser later on pay the cost of these improvements, I shall have to rest content with that explanation; but if he has any more information, I should like to have the House get the benefit of it.

Mr. KEIFER. Mr. Chairman, I only want to say that if the gentleman from Massachusetts can tell what the disposition of the Congress of the United States is, then he will get nearer to knowing what will be the ultimate disposition of the Philippine Islands.

Mr. SULLIVAN. Well, judging from the expressions I have heard privately in the House, not always publicly, I think most of the Members would not be sorry if the Philippine Islands disappeared beneath the surface of the ocean to-morrow morning, for then the United States would be relieved of the necessity of fortifying and governing them. The islands have ceased to be commercially valuable. No one questions or can question the accuracy of that statement, and I do not think any statesman in America to-day will point out any reason for retaining them any longer, except this one, namely, that if we should abandon them upon the theory that their government is a

nuisance to the United States Government, some other power might take them and thus acquire possession of the nuisance. That does not seem to me to be a sufficient reason for retaining them. Some one has said that if they are not sufficiently fortified some foreign power may take them. I think it would be the best thing that could happen to the people of the United States if some foreign power did take them, for then we should be relieved of the responsibility of paying these extravagant bills for their government and their defense. It has already been pointed out in a very able magazine article by a Republican Member from the State of Massachusetts that all our occupation of the islands has meant to us up to date is this: That they give an exceptional advantage to any foreign power which may engage us in war; thus if Japan should go to war with the United States she would strike immediately at the Philippine Islands and compel us, in order to save the national honor, to concentrate our fleet in the Pacific Ocean, near the coast of the Philippine Islands, drawing that fleet away from the whole west coast of the United States, compelling us to wage a war far from our coal supplies and our supplies of food, and other munitions of war, placing us at a tremendous disadvantage and losing us the benefit of the great stretch of ocean which, up to the time of our acquisition of the Philippine Islands, would have given us a tremendous advantage in a contest with that rising oriental power. Now, then, it seems that our retention of the Philippine Islands simply affords us an opportunity to waste money in time of peace and squander it in time of war. Neither of those seems a sufficient reason for retaining them, and therefore I say it would be a good thing if somebody would take them away from us some dark night.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts be allowed five minutes' additional time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Massachusetts be allowed to proceed for five minutes. Is there objection?

Mr. SMITH of Iowa. Mr. Chairman, I do not want to object, but I want a vote on this at a very early moment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLIVAN. I now yield to the gentleman from New York [Mr. PERKINS].

Mr. KEIFER. Will the gentleman allow this inquiry, and I will not interrupt him any more? I understood the gentleman from Massachusetts to say his information from conversations with Members here was that a majority of the House was in favor of abandoning these islands, and I would like to inquire whether he or any Member of this House has ever offered a joint resolution or a bill of any kind looking to the abandonment of those islands?

Mr. SULLIVAN. Oh, no; no member of the majority would dare to vote for that proposition. I think if we could take a secret ballot we would drop the islands by an almost unanimous vote. Of course no member of the minority would waste his time on a losing legislative proposition. The minority is powerless to effect these changes in the law, so no one of the minority has attempted that.

Mr. PERKINS. The only question I was going to ask the gentleman from Massachusetts was in line of the remarks he just made, whether he thinks, as bearing upon this question of the necessity of fortification, that, considering our own experience in the Philippines, the amount of money we have spent, and the small return we have received, it is conceivable that any government could wish to go to work in order to take them away from us?

Mr. SULLIVAN. No; I do not think that any government would wage war against the United States with the Philippine Islands as the stake in the contest, but if Japan should engage in war with the United States she would strike at the Philippine Islands at once and compel the United States to send the Navy there to defend them. National honor would compel that course. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was rejected.

Mr. KEIFER. Mr. Chairman, I send to the Clerk's desk an amendment to come in immediately after line 23 on page 6 of the bill.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 6, after line 23, insert the following:

"For the procurement of a site or sites in the Hawaiian Islands for forts and seacoast batteries, \$100,000."

Mr. SMITH of Iowa. Mr. Chairman, I desire to reserve the point of order upon that amendment. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANX, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23821—the fortifications bill—and had come to no resolution thereon.

#### COMMITTEE APPOINTMENT.

The SPEAKER. The Clerk will announce the following committee appointment.

The Clerk read as follows:

The Chair announces the appointment of Representative SHERLEY, of Kentucky, a member of the Committee on the Judiciary, vice Representative LITTLE, resigned.

JOHN INGRAM.

The SPEAKER laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives (the Senate concurring therein) of the 11th instant, I return herewith House bill No. 18214, entitled "An act granting an increase of pension to John Ingram."

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 15, 1907.

#### CHANGE OF REFERENCE.

By unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (S. 502) for the relief of James A. Russell, and the same was referred to the Committee on Claims.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 6580. An act granting an increase of pension to Ella B. Greene;

S. 6581. An act granting an increase of pension to Joseph W. Lowell;

S. 6583. An act granting an increase of pension to Abram P. Colby;

S. 6822. An act granting an increase of pension to Christopher Christopherson;

S. 6824. An act granting an increase of pension to Byron Canfield;

S. 6825. An act granting an increase of pension to Thomas M. Roberts;

S. 6826. An act granting an increase of pension to Jacob Turner;

S. 6829. An act granting an increase of pension to Thomas P. Cheney;

S. 6881. An act granting an increase of pension to Jefferson Bush;

S. 6882. An act granting an increase of pension to Elisha H. Stephens;

S. 6883. An act granting an increase of pension to Thomas W. White;

S. 6885. An act granting an increase of pension to William H. Anderson;

S. 6942. An act granting an increase of pension to William B. Dow;

S. 6978. An act granting an increase of pension to Samuel Jackson;

S. 6997. An act granting an increase of pension to William Kennedy;

S. 7065. An act granting an increase of pension to Louisa Donaldson;

S. 7077. An act granting an increase of pension to Mary E. Hattan;

S. 7160. An act granting an increase of pension to Kate Myers;

S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;"

S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.;

S. 6019. An act granting a pension to Harriet O'Donald;

S. 6035. An act granting an increase of pension to John Fox;

S. 6051. An act granting an increase of pension to Mary A. Duncan;

S. 6052. An act granting an increase of pension to William E. Redmond;

S. 6131. An act granting an increase of pension to Frances A. Jepson;

S. 6586. An act granting an increase of pension to Wesley J. Ladd;

S. 6591. An act granting an increase of pension to Henry Campbell;

S. 6596. An act granting an increase of pension to Cyrus W. Cobb;

S. 6597. An act granting an increase of pension to Frank H. Read;

S. 6631. An act granting an increase of pension to George W. Hodgman;

S. 6650. An act granting an increase of pension to John A. McGinty;

S. 6645. An act granting an increase of pension to Timothy C. Stilwell;

S. 6632. An act granting an increase of pension to William Davis;

S. 6636. An act granting an increase of pension to Andrew J. Grover;

S. 6705. An act granting an increase of pension to Holmes Clayton;

S. 6707. An act granting an increase of pension to Stephen E. Lemon;

S. 6709. An act granting an increase of pension to Samuel Shawver;

S. 6712. An act granting an increase of pension to Orin Ingram;

S. 6714. An act granting an increase of pension to Joseph Bolshaw;

S. 6717. An act granting an increase of pension to Manasa T. Houser;

S. 6718. An act granting an increase of pension to Augustus L. Holbrook;

S. 6723. An act granting an increase of pension to Augusta P. Morgan;

S. 6767. An act granting an increase of pension to John C. Brown;

S. 6821. An act granting an increase of pension to Jonathan M. Adams;

S. 6814. An act granting a pension to Alice Bosworth;

S. 6819. An act granting an increase of pension to Nelson Bigalow;

S. 10. An act granting an increase of pension to Roswell Prescott;

S. 123. An act granting an increase of pension to William M. Morgan;

S. 480. An act granting an increase of pension to Silas A. Reynolds;

S. 677. An act granting an increase of pension to Albert G. Peabody, jr.;

S. 679. An act granting an increase of pension to Thomas Kelly;

S. 768. An act granting an increase of pension to William H. Rhoads;

S. 771. An act granting an increase of pension to Samuel G. Kreidler;

S. 774. An act granting an increase of pension to August Krueger;

S. 831. An act granting an increase of pension to Isaac G. Clark;

S. 1240. An act granting an increase of pension to Dana W. Hartshorn;

S. 1257. An act granting an increase of pension to Patrick O'Day;

S. 1347. An act granting a pension to Martha W. Pollard;

S. 2563. An act granting a pension to Isaac Carter;

S. 1493. An act granting an increase of pension to Cathrin Huff;

S. 1857. An act granting an increase of pension to William Vantilburgh;

S. 1891. An act granting an increase of pension to Charles F. M. Morgan;

S. 1941. An act granting an increase of pension to Elvira A. Kelly;

S. 2249. An act granting an increase of pension to George W. Smith;

S. 2541. An act granting an increase of pension to Thomas W. Murray;

S. 2643. An act granting an increase of pension to James H. Thrasher;

S. 2669. An act granting an increase of pension to Winfield S. Ramsay;

S. 2734. An act granting an increase of pension to John R. Conyngham;

S. 2737. An act granting an increase of pension to Benjamine Hains;



S. 5741. An act granting an increase of pension to Amelia M. Hawes;  
 S. 2749. An act granting an increase of pension to John H. Brooks;  
 S. 2794. An act granting an increase of pension to John H. Allison;  
 S. 3220. An act granting an increase of pension to Wilbur H. Clark;  
 S. 3221. An act granting an increase of pension to Robert Mills;  
 S. 3671. An act granting an increase of pension to Louis Castinette;  
 S. 3763. An act granting an increase of pension to Mary A. Baker;  
 S. 3767. An act granting an increase of pension to Samuel Turner;  
 S. 3931. An act granting an increase of pension to Fanny A. Pearsons;  
 S. 4032. An act granting an increase of pension to Solomon Craighton;  
 S. 4127. An act granting an increase of pension to Samuel Paine;  
 S. 4053. An act granting an increase of pension to William A. Smith;  
 S. 4406. An act granting an increase of pension to Susan N. Fowler;  
 S. 4389. An act granting an increase of pension to Florence B. Plato;  
 S. 4542. An act granting an increase of pension to Aaron Daniels;  
 S. 4510. An act granting an increase of pension to Rufus C. Allen;  
 S. 4771. An act granting an increase of pension to George R. Turner;  
 S. 4772. An act granting an increase of pension to Gertrude McNeil;  
 S. 4894. An act granting an increase of pension to Robert Ramsey;  
 S. 4909. An act granting an increase of pension to Louis Sidel;  
 S. 4979. An act granting an increase of pension to Don C. Smith;  
 S. 5001. An act granting an increase of pension to Louis A. Baird;  
 S. 5067. An act granting an increase of pension to Martin Schultz;  
 S. 5073. An act granting an increase of pension to Daniel G. Smith;  
 S. 5084. An act granting a pension to John W. Connell;  
 S. 5138. An act granting a pension to Jane Metts;  
 S. 5156. An act granting an increase of pension to Granville F. North;  
 S. 5176. An act granting an increase of pension to Lewis C. Janes;  
 S. 5493. An act granting an increase of pension to Marcus Wood;  
 S. 5443. An act granting an increase of pension to James D. Merrill;  
 S. 5502. An act granting an increase of pension to John B. Coyle;  
 S. 5573. An act granting an increase of pension to Gustavus A. Thompson;  
 S. 5599. An act granting an increase of pension to Dennis Flaherty;  
 S. 5685. An act granting an increase of pension to James M. Jenkins;  
 S. 5693. An act granting an increase of pension to Margaret L. Houlihan;  
 S. 5725. An act granting an increase of pension to Alonzo S. Prather;  
 S. 5727. An act granting an increase of pension to Lucius Rumrill;  
 S. 5740. An act granting an increase of pension to Jared Ayer;  
 S. 5771. An act granting a pension to Mary E. Thompson;  
 S. 5823. An act granting an increase of pension to Nelson Virgin;  
 S. 5826. An act granting an increase of pension to Isaac C. Phillips;  
 S. 5892. An act granting an increase of pension to Daniel W. Redfield;  
 S. 5963. An act granting an increase of pension to James Reed;  
 S. 5980. An act granting an increase of pension to Jacob Smith;

S. 6001. An act granting an increase of pension to Emily Killian;  
 S. 6005. An act granting an increase of pension to John G. Bridaham;  
 S. 6008. An act granting an increase of pension to Joseph Lamont;  
 S. 6585. An act granting an increase of pension to Amos Ham;  
 S. 6163. An act granting an increase of pension to William H. Westcott;  
 S. 6186. An act granting an increase of pension to James L. Estlow;  
 S. 6203. An act granting an increase of pension to Francis W. Crommett;  
 S. 6230. An act granting an increase of pension to Nellie Paxton;  
 S. 6232. An act granting an increase of pension to John L. Anthony;  
 S. 6238. An act granting an increase of pension to Hugh S. Strain;  
 S. 6239. An act granting an increase of pension to Kate M. Miner;  
 S. 6250. An act granting an increase of pension to Alice G. Clark;  
 S. 6266. An act granting an increase of pension to Paul Baker;  
 S. 6267. An act granting an increase of pension to Denis A. Manning;  
 S. 6347. An act granting an increase of pension to Edward R. Cunningham;  
 S. 6353. An act granting an increase of pension to Dolores C. Foster;  
 S. 6367. An act granting an increase of pension to Joseph Johnston;  
 S. 6368. An act granting an increase of pension to Sherrod Hamilton;  
 S. 6429. An act granting an increase of pension to Mary L. Beardsley;  
 S. 6438. An act granting an increase of pension to Martha J. Haller;  
 S. 6466. An act granting an increase of pension to Samuel Moser;  
 S. 6485. An act granting an increase of pension to Samuel Cook;  
 S. 6505. An act granting an increase of pension to Theodore M. Benton;  
 S. 6506. An act granting an increase of pension to Henry Z. Bowman;  
 S. 6514. An act granting an increase of pension to Alfred A. Stocker;  
 S. 6537. An act granting an increase of pension to William Eppinger;  
 S. 6538. An act granting an increase of pension to Betsey A. Hodges;  
 S. 6558. An act granting an increase of pension to Samuel A. Pearce;  
 S. 6560. An act granting an increase of pension to Reuben D. Dodge;  
 S. 6561. An act granting an increase of pension to George W. Blair;  
 S. 6568. An act granting an increase of pension to Wilbur F. Hodge;  
 S. 6569. An act granting an increase of pension to George Porter;  
 S. 6572. An act granting an increase of pension to Aaron L. Roberts;  
 S. 6574. An act granting an increase of pension to Maria H. Waggoner;  
 S. 6576. An act granting an increase of pension to Michael Meyers; and  
 S. 6579. An act granting an increase of pension to Ezekiel Morrill.

## PERSONAL REQUEST.

By unanimous consent, Mr. SMITH of Kentucky was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of the estate of Harvey Woodward, Fifty-sixth Congress, no adverse report having been made thereon.

## PRINTING HEARINGS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the hearings in the Virginia military continental or State land warrants matter and the Ohio University lands be printed as a document, so the results may be preserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Chair announced that the yeas seemed to have it.

On motion of Mr. WILLIAMS, the House divided, and there were—ayes 130, noes 60.

Mr. WILLIAMS. Mr. Speaker, let us have tellers.

Mr. SMITH of Iowa. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 77, answered "present" 5, not voting 156, as follows:

## YEAS—143.

Alexander	Driscoll	Jones, Wash.	Parker
Allen, Me.	Edwards	Kahn	Parsons
Allen, N. J.	Ellis	Keller	Payne
Bannon	Englebright	Kennedy, Ohio	Perkins
Bennet, N. Y.	Esch	Klepper	Pollard
Birdsall	Fletcher	Knowland	Prince
Boutell	Fordney	Lacey	Reeder
Bowersock	Foster, Vt.	Landis, Frederick	Reynolds
Bradley	Fowler	Lilley, Conn.	Rhodes
Brick	French	Littauer	Rives
Brown	Fulkerson	Littlefield	Roberts
Brownlow	Fuller	Longworth	Samuel
Burke, S. Dak.	Gaines, W. Va.	Loud	Sibley
Calder	Gardner, Mass.	Loudenslager	Smith, Ill.
Campbell, Ohio	Gardner, Mich.	Lovering	Smith, Iowa
Capron	Gilham	Lowden	Smith, Pa.
Cassel	Gillett	McKinley, Ill.	Smyser
Chapman	Graft	McKinney	Southard
Clark, Fla.	Graham	Mahon	Sterling
Cocks	Gronna	Mann	Stevens, Minn.
Conner	Hale	Marshall	Sulloway
Cooper, Wis.	Hamilton	Martin	Tawney
Coudrey	Haskins	Miller	Taylor, Ohio
Cromer	Haugen	Minor	Townsend
Crumpacker	Hayes	Moon, Pa.	Volstead
Cushman	Hepburn	Moore, Pa.	Wachter
Dale	Hermann	Mouser	Waldo
Dalzell	Higgins	Mudd	Washburn
Darragh	Hinshaw	Murdock	Watson
Davis, Minn.	Howell, N. J.	Murphy	Webber
Dawes	Howell, Utah	Needham	Weeks
Dawson	Hubbard	Nelson	Weems
Deemer	Huff	Norris	Wharton
Denby	Hull	Olcott	Wiley, N. J.
Dovener	Humphrey, Wash.	Olmsted	Young
Draper	Jenkins	Otjen	

## NAYS—77.

Alken	Glass	Lee	Sherley
Bankhead	Goulden	Legare	Sims
Beall, Tex.	Granger	Livingston	Small
Brooks, Tex.	Gregg	Lloyd	Smith, Ky.
Brundidge	Gudger	Macon	Smith, Tex.
Burgess	Hay	Maynard	Southall
Burnett	Hedlin	Padgett	Sparkman
Byrd	Henry, Tex.	Page	Stephens, Tex.
Candler	Hill, Miss.	Patterson, N. C.	Sullivan
De Armond	Houston	Patterson, S. C.	Taylor, Ala.
Dixon, Ind.	Howard	Pou	Thomas, N. C.
Ellerbe	Humphreys, Miss.	Pujo	Underwood
Field	Hunt	Reid	Wallace
Fitzgerald	James	Richardson, Ala.	Webb
Floyd	Jones, Va.	Robinson, Ark.	Williams
Gaines, Tenn.	Kellher	Russell	Wilson
Garner	Kitchin, Claude	Ryan	Zenor
Garrett	Kitchin, Wm. W.	Saunders	
Gill	Kline	Shackleford	
Gillespie	Lamar	Sheppard	

## ANSWERED "PRESENT"—5.

Bartlett	Currier	Grosvenor	Meyer
Beil, Ga.			

## NOT VOTING—156.

Acheson	Calderhead	Greene	McCleary, Minn.
Adamson	Campbell, Kans.	Griggs	McCreary, Pa.
Ames	Chaney	Hardwick	McDermott
Andrus	Clark, Mo.	Hearst	McGavin
Babcock	Clayton	Hedge	McKinlay, Cal.
Barchfeld	Cockran	Henry, Conn.	McLachlan
Bartholdt	Cole	Hill, Conn.	McLain
Bates	Cooper, Pa.	Hogg	McMoran
Bede	Cousins	Holliday	McNary
Beldier	Curtis	Hopkins	Madden
Bennett, Ky.	Davey, La.	Hughes	Michalek
Bingham	Davidson	Johnson	Mondell
Bishop	Davis, W. Va.	Kennedy, Nebr.	Moon, Tenn.
Blackburn	Dickson, Ill.	Kinkaid	Moore, Tex.
Bonyng	Dixon, Mont.	Knapp	Morrell
Bowers	Dresser	Knapp	Nevin
Bowie	Dunwell	Lafean	Overstreet, Ga.
Brantley	Dwight	Lamb	Overstreet, Ind.
Brooks, Colo.	Fassett	Landis, Chas. B.	Palmer
Broussard	Finley	Law	Pearre
Brumm	Flack	Lawrence	Powers
Buckman	Flood	Le Fevre	Rainey
Burke, Pa.	Foss	Lewis	Randell, Tex.
Burleigh	Foster, Ind.	Lewis	Ransdell, La.
Burleson	Garber	Lilley, Pa.	Reynolds
Burton, Del.	Gardner, N. J.	Lindsay	Rhinock
Burton, Ohio	Gilbert	Lorimer	Richardson, Ky.
Butler, Pa.	Goebel	McCall	Riordan
Butler, Tenn.	Goldfogle	McCarthy	Rixey

Robertson, La.  
Rodenberg  
Rucker  
Ruppert  
Schneebell  
Scott  
Scroggy  
Shartel  
Sherman  
Slayden

Slomp  
Smith, Cal.  
Smith, Md.  
Smith, Samuel W.  
Smith, Wm. Alden  
Snapp  
Southwick  
Sperry  
Spight  
Stafford

Stanley  
Steenerson  
Sulzer  
Talbot  
Thomas, Ohio  
Tirrell  
Towne  
Trimble  
Tyndall  
Van Duzer

Van Winkle  
Vreeland  
Wadsworth  
Wanger  
Watkins  
Weisse  
Welborn  
Wiley, Ala.  
Wood  
Woodyard

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. VAN WINKLE with Mr. McDERMOTT.

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RUPPERT.

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. LILLEY of Pennsylvania with Mr. GILBERT.

Mr. MORRELL with Mr. RIORDAN.

Mr. McCALL with Mr. ROBERTSON of Louisiana.

Mr. BINGHAM with Mr. COCKRAN.

For the 15th and 16th:

Mr. GROSVENOR with Mr. CLARK of Missouri.

For the day:

Mr. McCREARY of Pennsylvania with Mr. WEISSE.

Mr. BARCHFELD with Mr. TALBOTT.

Mr. BUTLER of Pennsylvania with Mr. BARTLETT.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. SOUTHWICK with Mr. BURLESON.

Mr. CURTIS with Mr. RHINOCK.

Mr. DRESSER with Mr. HEARST.

Mr. WM. ALDEN SMITH with Mr. SULZER.

Mr. BURKE of Pennsylvania with Mr. LINDSAY.

Mr. FOSS with Mr. MEYER.

Mr. TYNDALL with Mr. VAN DUZER.

Mr. WOODYARD with Mr. HARDWICK.

Mr. REYBURN with Mr. WILEY of Alabama.

Mr. SMITH of California with Mr. TRIMBLE.

Mr. TIRRELL with Mr. TOWNE.

Mr. WOOD with Mr. STANLEY.

Mr. VREELAND with Mr. SPIGHT.

Mr. THOMAS of Ohio with Mr. SMITH of Maryland.

Mr. SAMUEL W. SMITH with Mr. RUCKER.

Mr. POWERS with Mr. RIXEY.

Mr. PEARRE with Mr. SLAYDEN.

Mr. MONDELL with Mr. RICHARDSON of Kentucky.

Mr. MADDEN with Mr. RANDELL of Texas.

Mr. LE FEVRE with Mr. OVERSTREET of Georgia.

Mr. LAWRENCE with Mr. RAINEY.

Mr. LAFEAN with Mr. MOORE of Texas.

Mr. KNAPP with Mr. McNARY.

Mr. HOLLIDAY with Mr. McLAIN.

Mr. FASSETT with Mr. MOON of Tennessee.

Mr. DWIGHT with Mr. LEWIS.

Mr. GREENE with Mr. JOHNSON.

Mr. GOEBEL with Mr. LEVER.

Mr. DAVIDSON with Mr. HOPKINS.

Mr. COUSINS with Mr. LAMB.

Mr. CALDERHEAD with Mr. WATKINS.

Mr. CAMPBELL of Kansas with Mr. GRIGGS.

Mr. BURLEIGH with Mr. GOLDFOGLE.

Mr. BRUMM with Mr. GABBER.

Mr. BROOKS of Colorado with Mr. FLOOD.

Mr. BONYNGE with Mr. DAVIS of West Virginia.

Mr. BURTON of Ohio with Mr. DAVEY of Louisiana.

Mr. BEDE with Mr. CLAYTON.

Mr. BARTHOLDT with Mr. BUTLER of Tennessee.

Mr. BABCOCK with Mr. BROUSSARD.

Mr. ANDRUS with Mr. BRANTLEY.

Mr. AMES with Mr. BOWIE.

Mr. ACHESON with Mr. BOWERS.

Accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, submitting, with the report of a commission appointed to make investigations of certain conditions relative to the United States court-house and post-office in New York City, recommendations for the enlargement of the same—to the Committee on Public Buildings and Grounds, and ordered to be printed.



## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company, reported the same with amendment, accompanied by a report (No. 6392); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company, reported the same with amendment, accompanied by a report (No. 6393); which said bill and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23578) to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State, reported the same without amendment, accompanied by a report (No. 6394); which said bill and report were referred to the House Calendar.

Mr. BARTHOLDT, from the joint committee under section 25 of act to increase limit of cost of certain public buildings, etc., submitted a report (No. 6396); which said report was ordered to be printed.

Mr. GAINES of West Virginia, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the Senate (S. 4563) to prohibit corporations from making money contributions in connection with political elections, reported the same with amendment, accompanied by a report (No. 6397); which said bill and report were referred to the House Calendar.

He also, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24109) to authorize the Norfolk and Western Railway to construct sundry bridges across the Tug Fork of the Big Sandy River, reported the same without amendment, accompanied by a report (No. 6398); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23383) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906, reported the same with amendment, accompanied by a report (No. 6399); which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota, reported the same with amendment, accompanied by a report (No. 6400); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 15437) providing for the donation of condemned cannon to the University of Idaho, reported the same with amendment, accompanied by a report (No. 6401); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 16235) authorizing the Secretary of War to deliver condemned brass field pieces to the city of Petoskey, Mich., reported the same with amendment, accompanied by a report (No. 6402); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 195) authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa, reported the same with amendment, accompanied by a report (No. 6403); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 19284) for the relief of James Behan, reported the same without amendment, accompanied by a report (No. 6391); which said bill and report were referred to the Private Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23889) authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak., reported the same without amendment, accompanied by a report (No. 6395); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILSON: A bill (H. R. 24271) in relation to the Illinois and Michigan Canal and granting to the State of Illinois all rights, easements, and title of the United States in, to, and into that portion of said canal lying between the upper basin situated in the city of Joliet and Lake Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. BUCKMAN: A bill (H. R. 24272) permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: A bill (H. R. 24273) for the protection of game animals, birds, and fishes in the Black Hills Forest Reserve of the United States, in the State of South Dakota.—to the Committee on the Public Lands.

By Mr. BOWERSOCK: A bill (H. R. 24274) providing for the appointing and keeping of a deputy marshal and a deputy clerk of the circuit and district courts for the district of Kansas, at Kansas City, Kans.—to the Committee on the Judiciary.

By Mr. GRIGGS: A bill (H. R. 24275) permitting the building of a dam across the Flint River at Porter Shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. DENBY: A bill (H. R. 24276) to amend section 3469 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. FLETCHER: A bill (H. R. 24277) providing for the erection of a post-office building in the city of Minneapolis, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 24278) to suspend for a period of five years the duty on structural steel and other necessary building material to be used in the rehabilitation of the stricken cities in the State of California that suffered damage by earthquake or conflagration on April 18, 19, and 20, 1906—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: A bill (H. R. 24279) to appropriate money for the purchase of Cushings Island—to the Committee on Appropriations.

By Mr. SMALL: A bill (H. R. 24280) making an appropriation for the improvement and construction of the inland waterway between Norfolk, Va., and Beaufort Inlet, North Carolina—to the Committee on Rivers and Harbors.

By Mr. HUBBARD: A bill (H. R. 24281) to fix the time of holding circuit and district courts in the northern district of Iowa—to the Committee on the Judiciary.

By Mr. PEARRE: A bill (H. R. 24282) to provide for the examination and license of all telegraph operators engaged in handling block signals and telegraphic train orders affecting the movement of trains on all railroads engaged in interstate commerce in the United States, and to limit their hours of employment to eight hours in each day of twenty-four hours—to the Committee on Interstate and Foreign Commerce.

By Mr. BUCKMAN: A bill (H. R. 24283) permitting the building of a railway bridge across the Mississippi River, in Morrison County and State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 24284) for the opening of Warren and Forty-sixth streets NW., in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 24285) to

provide for holding terms of United States courts at Clarksdale, Miss.—to the Committee on the Judiciary.

By Mr. BRUNDIDGE: A bill (H. R. 24286) to extend the time limit within which the requirements of an act entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes," approved June 26, 1906, may be complied with—to the Committee on Rivers and Harbors.

By Mr. HUGHES: A resolution (H. Res. 759) relating to messenger service in the office of disbursing clerk of the House—to the Committee on Accounts.

By Mr. OVERSTREET of Indiana: A resolution (H. Res. 760) increasing the salary of the Assistant Chief Clerk of the House—to the Committee on Accounts.

By Mr. BUTLER of Pennsylvania: A resolution (H. Res. 761) to pay John J. Cameron, assistant official reporter of the House, an increase of salary—to the Committee on Accounts.

By Mr. MAHON: A resolution (H. Res. 762) increasing the salary of the assistant in the Clerk's office of the House—to the Committee on Accounts.

By Mr. LOUDENSLAGER: A resolution (H. Res. 763) providing for the payment, out of the contingent fund, of the sum of \$300 to the messenger to the Chief Clerk of the House—to the Committee on Accounts.

By Mr. CHARLES B. LANDIS: A resolution (H. Res. 764) providing for the printing of 5,000 copies of the pure-food law, approved June 30, 1906, etc.—to the Committee on Printing.

Also, a joint resolution (H. J. Res. 219) providing for an increase in the number of copies to be printed of the Annual Report of the Comptroller of the Currency—to the Committee on Printing.

By Mr. HILL of Connecticut: A resolution (H. Res. 765) for the relief of Clara Morgan—to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 24287) granting a pension to Robert M. Jones—to the Committee on Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 24288) granting an increase of pension to John Gooding—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 24289) granting an increase of pension to Margaret E. Hilton—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 24290) granting an increase of pension to Johnson Everman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24291) granting an increase of pension to James A. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24292) granting an increase of pension to Josiah Paris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24293) granting an increase of pension to Nancy V. Hubbard—to the Committee on Pensions.

By Mr. BOWERSOCK: A bill (H. R. 24294) granting a pension to D. R. Lamoreau—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 24295) granting an increase of pension to George A. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24296) granting an increase of pension to J. Otis Richmond—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 24297) granting an increase of pension to Josiah T. Middleton—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 24298) granting an increase of pension to William T. Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24299) granting an increase of pension to William B. Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24300) granting a pension to Sadie E. Hawthorn—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 24301) granting an increase of pension to James M. Harman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24302) granting an increase of pension to William Inman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24303) granting an increase of pension to Gillum M. Ezell—to the Committee on Pensions.

Also, a bill (H. R. 24304) granting an increase of pension to Susan W. McClure—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 24305) granting an increase of pension to Austin Green—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 24306) granting a pension to Cynthia E. Smith—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 24307) granting an increase of pension to Donaldson Farley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24308) granting an increase of pension to Lyman Thompson—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 24309) granting an increase of pension to Isaac H. Isaacs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24310) to pay Marshall N. De Long for extra services as an engineer while in the service of the United States—to the Committee on Claims.

Also, a bill (H. R. 24311) to complete the military record of Joshua C. Warrick and granting him an honorable discharge—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 24312) granting a pension to Lucinda F. Slater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24313) granting an increase of pension to Horatio N. Peabody—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 24314) granting an increase of pension to James Henderson—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 24315) for the relief of the estate of Charles A. Hull, deceased—to the Committee on Claims.

Also, a bill (H. R. 24316) granting a pension to Melvina W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24317) granting an increase of pension to Charles L. Simmons—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 24318) granting a pension to Alfred Merrell—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 24319) granting a pension to Abraham Facto—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24320) granting an increase of pension to Benjamin F. Boots—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24321) granting an increase of pension to Belah H. Wilcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24322) granting an increase of pension to Mary C. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24323) granting an increase of pension to Talcott M. Brown—to the Committee on Pensions.

Also, a bill (H. R. 24324) granting an increase of pension to Eunice E. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24325) for the relief of T. S. Williams—to the Committee on the Post-Office and Post-Roads.

By Mr. FULKERSON: A bill (H. R. 24326) granting an increase of pension to Benjamin Malam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24327) granting an increase of pension to Silas R. Owen—to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 24328) granting an increase of pension to Jeremiah M. Martin—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 24329) for the relief of certain persons who sustained injuries in person and property at Brownsville, Tex., on August 13, 1906—to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 24330) granting a pension to Betsey E. Higgins—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 24331) granting an increase of pension to Martin J. P. Jenness—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24332) granting an increase of pension to Leander L. Chapman—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 24333) granting a pension to Beatrice H. Duncan—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 24334) granting an increase of pension to Emma Case—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24335) granting an increase of pension to Mary Mount—to the Committee on Invalid Pensions.

By Mr. MCKINNEY: A bill (H. R. 24336) for the relief of Francis H. Connelly—to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 24337) granting an increase of pension to Francis M. Baker—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 24338) granting an increase of pension to James M. Gardner—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 24339) grant-



ing a pension to Margaret Bresnehan—to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24340) granting an increase of pension to James T. Foster—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 24341) for the relief of the estates of Bolling Gordon and Richard Gordon—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 24342) granting an increase of pension to Edward M. Lee—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 24343) granting an increase of pension to James M. Haney—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24344) granting an increase of pension to John H. James—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 24345) granting a pension to David Hubert—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 24346) granting an increase of pension to Jonathan Rumberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24347) granting an increase of pension to Jacob B. Getter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24348) granting an increase of pension to Smith Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24349) granting an increase of pension to Mary Jane Schreyer—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 24350) granting right to Peter McMillen and Lewis L. Allen to sue in Court of Claims—to the Committee on Claims.

By Mr. SHERLEY: A bill (H. R. 24351) granting an increase of pension to Andrew Krakel—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 24352) granting an increase of pension to Archibald Bamber—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 24353) granting an increase of pension to DeWitt C. Carpenter—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 24354) granting a pension to Harriet M. Wandell—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 24355) granting a pension to Mary O. Learned—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 24356) for the relief of W. J. Roberts—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 24357) to correct the naval record of Edgar F. Crawford—to the Committee on Naval Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 24358) granting an increase of pension to John R. Cauley—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 24359) for the relief of Mrs. Mary S. Miller and Charles E. Bullock, heirs of J. L. W. Bullock, deceased—to the Committee on War Claims.

By Mr. ZENOR (by request): A bill (H. R. 24360) granting an increase of pension to Jeremiah F. Pittman—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 20320) granting an increase of pension to Charles Hussey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23453) granting an increase of pension to Margaret T. Everly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24146) for the relief of John H. Butman—Committee on Invalid Pensions discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 24188) granting an increase of pension to Samuel Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24191) for the relief of Leonard Keeling—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 24200) to remove the charge of desertion standing against Jerry Fritts—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 1362) granting an increase of pension to Simon

Olsen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9768) granting an increase of pension to Mary H. Stacy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18104) granting a pension to Wesley Duncan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23984) granting an increase of pension to Jacob Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of West End Business Men's Association, of St. Louis, against action of Rivers and Harbors Committee relative to request for hearing—to the Committee on Rivers and Harbors.

Also, petition of Washington National Monument Society, for appropriation to pave around the Monument—to the Committee on Appropriations.

By Mr. ALLEN of New Jersey: Petition of the Dilliston Lumber Company, Paterson, N. J., for extension of waterways of the country, and particularly for deepening of the Passaic River from Newark Bay to Paterson, N. J.—to the Committee on Rivers and Harbors.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BANNON: Papers to accompany bill H. R. 23952, granting an increase of pension to Hiram N. Wallace—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Evan D. Evans, of Erie, Pa., against amendment to copyright bill—to the Committee on Patents.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Margaret E. Hilton—to the Committee on Pensions.

Also, petition of Texas Baptist Herald, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Petition of 73 citizens of Dahlonega, Ga., to accompany bill H. R. 24117—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany bill for relief of Sarah L. Bowen—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of James W. Fisher—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of S. S. Woodman, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of Tri-City Labor Congress, of Rock Island and Moline, Ill., and Davenport, Iowa, for House bill 17562, for investigation of women and child workers of United States—to the Committee on Labor.

By Mr. DOVENER: Paper to accompany bill for relief of Mary A. Biggs—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of Lucinda Mure Thomas—to the Committee on Claims.

By Mr. FLOYD: Paper to accompany bill for relief of Ben Mahuren—to the Committee on Claims.

Also, paper to accompany bill for relief of Leonard Keeling—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Publishers' League of New York City, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Illinois State Teachers' Association, for simplified spelling—to the Committee on Revision of Laws.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Ella C. Washburn—to the Committee on Invalid Pensions.

Also, petition of Charles K. Harris, for Senate bill 6330, relative to copyright of musical compositions—to the Committee on Patents.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Eliza P. Wilson—to the Committee on War Claims.

By Mr. GARNER: Paper to accompany bill for relief of William Davis—to the Committee on Pensions.

Also, paper to accompany bill for relief of certain persons who

sustained injury in person and property at Brownsville, Tex., August 13, 1906—to the Committee on Claims.

By Mr. GOULDEN: Petition of Joseph Shaffner, Westchester, N. Y., and 60 citizens of Westchester, N. Y., for improvement of Westchester Creek, New York Harbor—to the Committee on Rivers and Harbors.

By Mr. GRAFF: Petition of State Grange of Illinois, Patrons of Husbandry, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of State Grange of Illinois, Patrons of Husbandry, for free trade with Canada—to the Committee on Ways and Means.

Also, petition of Illinois State Grange, Patrons of Husbandry, against free seeds—to the Committee on Agriculture.

Also, petition of Illinois State Grange, Patrons of Husbandry, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Illinois State Grange, Patrons of Husbandry, for deep waterways, via Illinois and Mississippi River, from Lakes to Gulf—to the Committee on Rivers and Harbors.

Also, petition of State Grange of Illinois, Patrons of Husbandry, for constitutional amendment providing for election of Senators by direct vote of people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of State Grange of Illinois, Patrons of Husbandry, for postal-savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. GUDGER: Petition of the Asheville Citizen and the Asheville Gazette-News, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Blue Ridge Lodge, No. 455, Southern Railway, Asheville, N. C., against the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Paper to accompany bill for relief of John Loughmiller—to the Committee on Invalid Pensions.

By Mr. HAYES: Paper to accompany bill for relief of Betsey E. Higgins—to the Committee on Invalid Pensions.

Also, petition of L. E. Thurston et al., citizens of San Jose, Cal., against employment of Asiatic coolies in Panama Zone—to the Committee on Labor.

By Mr. HERMANN: Petition of Kennewick Commercial Club, State of Washington, for improvement of Columbia River—to the Committee on Rivers and Harbors.

By Mr. HOPKINS: Paper to accompany bill for relief of H. D. Coombs—to the Committee on Pensions.

By Mr. HUBBARD: Petition of Sioux City Stock Exchange, favoring the reciprocity demurrage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Petition of T. S. Beeler Lodge, No. 19, Brookfield, Mo., for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of West End Business Men's Association, St. Louis, against action of River and Harbor Committee relative to request for hearing—to the Committee on Rivers and Harbors.

Also, petition of general protective board, Brotherhood of Locomotive Firemen and Engineers, Union Pacific system, Cheyenne, Wyo., against passage of sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Nebraska: Petition of Western Fruit Jobbers' Association, for an annual appropriation of \$50,000,000 for rivers and harbors generally and specifically for improvement of Missouri River—to the Committee on River and Harbors.

By Mr. KLINE: Petition of Alexander Hamilton Council, No. 28, Daughters of America; Alburts Council, No. 1014; Jordan Council, No. 746; New Tripoli Council, No. 204, and Charles A. Gerasch Council, No. 1004, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Labor Advocate, Reading, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEVER: Paper to accompany bill for relief of Elizabeth Hodge—to the Committee on Pensions.

By Mr. LLOYD: Petition of women of Palmyra, for the Crane bill to establish children's bureau—to the Committee on Education.

By Mr. LOUDENSLAGER: Petition of State Federation of Women's Clubs of New Jersey, for Senate bill to inquire into status of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Wenonah, N. J., for the McCumber-Sperry-Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Democrat, Camden, N. J., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Monday Afternoon Club, Passaic, N. J., for forest-reservation legislation—to the Committee on Agriculture.

By Mr. LOWDEN: Petition of National Business League, for conservation of the public lands—to the Committee on the Public Lands.

Also, petition of National Business League, for consular improvement—to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of James T. Foster—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Daily Register, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OVERSTREET of Indiana: Papers relative to postal savings bank of Great Britain—to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of Richard Gordon and Boling Gordon—to the Committee on War Claims.

By Mr. PAYNE: Petition of citizens of Auburn, N. Y., favoring passage of Littlefield bill, relative to interstate transportation of liquor—to the Committee on the Judiciary.

By Mr. PEARRE: Papers to accompany a bill to amend sections 190, 193, and 194 of the Code of Law for the District of Columbia, relative to coroner and inquisitions before him—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petition of Carl K. Frey, Utica, N. Y., against certain proposed amendments to copyright law—to the Committee on Patents.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of William P. Routt—to the Committee on Invalid Pensions.

By Mr. RANDELL of Texas: Petition of Denison Board of Trade, for improvement of upper Red River—to the Committee on Rivers and Harbors.

By Mr. ROBINSON of Arkansas: Petition of George W. Know et al., of Monticello, Ark., for legislation to increase efficiency of personnel of the Navy—to the Committee on Naval Affairs.

Also, petition of D. C. Butler et al., of Malvern, Ark., for appropriation of \$50,000 for cotton farm demonstration—to the Committee on Agriculture.

Also, paper to accompany bill for relief of James C. Minor—to the Committee on War Claims.

By Mr. STAFFORD: Petition of New Immigration Protective League, against Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. TAWNEY: Papers and affidavits to accompany bill granting an increase of pension to Archibald Bember—to the Committee on Invalid Pensions.

By Mr. WALLACE: Paper to accompany bill for relief of Harry E. Courtney—to the Committee on War Claims.

By Mr. WHARTON: Petition of Adolph C. Hottenroth et al., for immediate amendment of currency law—to the Committee on Banking and Currency.

By Mr. WILEY: Paper to accompany bill for relief of Charles Hussey—to the Committee on Invalid Pensions.

By Mr. ZENOR: Paper to accompany bill for relief of George W. Bogle—to the Committee on Invalid Pensions.

## SENATE.

WEDNESDAY, January 16, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 19976. An act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio; and

H. R. 20990. An act to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;